

# Chapter 8

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## TRAFFIC, STREETS AND PARKING

### Article I. General Provisions

#### ***Sec. 1. SUPERVISION***

All public streets, alleys, sidewalks or other public ways shall be under the supervision of the Village Board. It shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances.

#### ***Sec. 2. CONSTRUCTION***

It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same without having first secured a permit therefore. Applications for such permits shall be made to the Village Clerk and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except on order of the President and Board of Trustees

#### ***Sec. 3. BOND***

Each applicant shall file a bond, in the amount determined by the Village Board, which shall be approved by the President and Board of Trustees, conditioned to indemnify the Village from any loss or damage resulting from the work undertaken or the manner of doing the same.

#### ***Sec. 4. SPECIFICATIONS***

All street and sidewalk pavement shall be constructed in conformity with the specifications approved from time to time by the President and the Board of Trustees.

#### ***Sec. 5. DAMAGE TO PAVEMENTS***

It shall be unlawful to walk upon or drive any vehicle or walk any animal upon or damage any newly laid street or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly damage any street, sidewalk or alley pavement.

#### ***Sec. 6. REPAIRS***

All public street, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the Village or the abutting owner, shall be completed under the supervision of the Board of Trustees.

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### **Sec. 7. DEFECTS**

It shall be the duty of every Village officer or employee, becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to either the Village Board or the Water Superintendent as soon as possible.

### **Sec. 8. OBSTRUCTIONS**

It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the Village Board and/or the Chairman of the Streets.

### **Sec. 9. BARRICADES**

- a. Any person, firm or corporation laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by suitable lights at night time.
- b. Any defect in such pavement shall be barricaded to prevent injury; and any person, firm or corporation properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by proper barricades and lights.

### **Sec. 10. DISTURBING BARRICADES**

It shall be unlawful to disturb or interfere with any barricade or light lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.

### **Sec. 11. PRIVATE USE**

It shall be unlawful for any person, firm or corporation to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or mark any signs or advertisements on such pavement.

### **Sec. 12. ENCROACHMENTS**

- a. The following words and phrases, when used in this Ordinance, shall for the purpose of this Chapter, have the meanings respectively ascribed to them in this Article.
  - 1) Roadway Right of Way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time of easement is in effect;

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- 2) Project Right of Way is defined as those within the project right of way lines established jointly by the Village, State and the Federal Highway Administration which will be free of encroachments except as hereinafter defined;
  - 3) Encroachment is defined as any building, fence, sign (excluding certain signs located over sidewalks), or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located, or maintained in, on, under or over any portion of the project right of way or the roadway right of way where no project right of way line has been established.
  - 4) Permissible Encroachment is defined as any existing awning, marquee, advertising sign, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic and traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right of way line and not confined by adjacent buildings.
  - 5) Construction Easement Area is defined as area lying between the project right of way limits and the platted street limits within which the Village, by concurrence in the establishment of the project right of way lines, will permit the State to enter to perform all necessary construction operations.
- b. It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), within the limits of the project right of way or roadway right of way where no project right of way lines have been established.
  - c. Any person, firm, or corporation violating this ordinance shall be fined not less than \$50.00 nor more than \$1,000.00 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

### **Sec. 13. DRAINS**

It shall be unlawful to obstruct any drain in any public street or alley.

### **Sec. 14. GAS PUMPS**

- a. It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk without having first secured a permit therefor from the President and Board of Trustees; provided that this section shall not apply to any existing gasoline pump or tank.
- b. No such permit shall be issued until the applicant furnishes a bond to indemnify the Village against loss or liability in the sum of \$50,000.00 for any such loss or liability occasioned by

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such tank or pump.

### **Sec. 15. EXCAVATIONS**

- a. It shall be unlawful to make any excavation in or tunnel under any public street, alley, sidewalk or other public place, in the Village, without having first secured a permit therefore. Applications for such permits shall be made to the Village Clerk, shall specify the intended location and purpose of the excavation and shall include an estimate of the cost to repair and replace the excavation, including the restoration of the surface to its condition before the excavation was made.
- b. No person shall make any such excavation or tunnel without first having furnished the Village with a bond in the same amount as said estimated cost of repairing and replacing said excavation and a policy or certificate of insurance showing the Village as an additional insured with public liability compensation of not less than \$500,000.00 per person and \$500,000.00 per occurrence; said bond shall be conditioned upon the guarantee of the repair and replacement of said excavation and said policy of insurance shall indemnify the Village against public liability loss resulting from work done or any acts or omissions in connection with said excavation.
- c. Any such person making any such excavation shall refill the same properly and shall restore the surface to its condition before the excavation was made, as soon as possible.
- d. All such excavations, refills, and resurfacing shall be made subject to the supervision and under the direction of the Village Board of Trustees.

### **Sec. 16. OPENINGS**

- a. It shall be unlawful to construct or maintain any opening or stairway in any public street, alley, sidewalk, or other public place without a permit from the Village Board.
- b. All such lawfully maintained openings shall be guarded by a strong cover or railing made of a material acceptable to the Village Board.

### **Sec. 17. BARBED WIRE FENCES - ELECTRIC CURRENT FENCES**

It shall be unlawful to maintain or construct any fence composed in whole or part of barbed wire, or with any similar materials designed to cause injury to person, or wire charged with electrical current, anywhere within the Village except to protect industrial property in which case, barbed wire must be at least six (6) feet above any sidewalk and extend inward of property.

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### **Sec. 18. DEPOSITS ON STREETS**

- a. It shall be unlawful to deposit on any street, any material which may be harmful to the pavement thereof, or any glass, or other articles which may cause injury to any person, animal or property.
- b. Materials may be deposited in streets preparatory to delivery or use, provided that such deposit does not reduce the usable width of the street or roadway, to less than eighteen (18) feet, and provided that such material, other than material used in actual building construction, shall not be permitted to remain in such street for more than three (3) hours.
- c. Any such material shall be guarded by lights if the same remains upon any street after night time.

### **Sec. 19. DEPOSITS ON SIDEWALK**

- a. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or articles which might cause injury to persons, animals, or property.
- b. Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not thereby reduced to less than four (4) feet; and provided that no such articles shall remain on such walk for more than one-half hour.

### **Sec. 20. DRIVEWAYS**

- a. It shall be unlawful to construct or maintain any driveway in or across any public walk in the Village where this necessitates any interference with or change in the grade of any public sidewalk, curb, or parkway without having first obtained a permit therefore from the Board of Trustees. Application for such permits shall state the size, location, and material to be used in such driveway; and it shall be unlawful to depart from such specifications or vary from them without permission from the Village Board.
- b. The fee shall be determined by the Street Committee subject to approval by the Village Board of Trustees
- c. It shall be the duty of the person, firm or corporation maintaining such driveway to keep the same free from snow and ice, or any obstruction, and to keep the same in good repair where the same crosses a public sidewalk.

### **Sec. 21. ENTRANCE CULVERTS**

Entrance culverts for driveways shall be installed at the property owner's expense and constructed of

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an approved material, of not less than twelve (12) inches in diameter and not less than sixteen (16) feet long. Entrance permit and approval shall be obtained by submitting building or small projects permit to the Village.

### **Sec. 22. PENALTY**

Any person, firm or corporation found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the investigation or enforcement of any of the provisions of this Chapter 8, upon conviction thereof, shall be punished by the imposition of a fine of not less than \$200.00, nor more than \$750.00 for the first offense, and not less than \$300.00, nor more than \$750.00 for the second and each subsequent offense. In addition, any person, firm or corporation found guilty of violating any provision of this Chapter 8 shall be assessed, in addition to any fine, an award of attorney's fees of \$250.00 to defray the cost to the Village to prosecute ordinance violations. A court may also impose a requirement that the person found guilty of a violation of any provision of this Chapter 8 perform some reasonable public service work such as, but not limited to, picking up litter in the public parks or along public roadways or the maintenance of public facilities. Any such "public service work" must be ordered by the Circuit Court of McLean County.

In the event that a person, firm or corporation charged with a violation of any provision of this Chapter 8 prefers to settle a first, second or third ordinance violation in lieu of further proceedings before a court of law, then the person, firm or corporation charged MUST within fifteen (15) days of the date of the ordinance violation pay the required fine amount as set forth in the schedule below and sign the ordinance violation issued and return the signed ordinance violation and full payment of the fine amount to the Village Clerk.

Schedule to settle ordinance violations in lieu of court proceedings:

First ordinance violation	\$25.00
Second ordinance violation	\$50.00
Third ordinance violation	\$100.00

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### Article II. Trees and Shrubs

#### **Sec. 1. PLANTING**

It shall be unlawful to plant any tree or shrub in any parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Village Clerk and shall be referred by the Clerk to the President and Board of Trustees of the Village. All trees and shrubs so planted shall be placed subject to the direction and approval of the Streets Committee.

#### **Sec. 2. REMOVALS**

It shall be unlawful to remove or cut down any tree or shrub in any parkway, or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Village Clerk and shall be referred by the Clerk to the President and Board of Trustees of the Village. No tree or shrub shall be removed unless the Application for the removal permit is approved.

#### **Sec. 3. INJURY**

It shall be unlawful to injure any tree or shrub planted in any such public place.

#### **Sec. 4. ADVERTISEMENTS OR NOTICES**

It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub in any parkway or other public place.

#### **Sec. 5. DANGEROUS TREES**

- a. Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel on such public place, shall be trimmed by the owner of the abutting premises on which such tree or shrub grows so that the obstruction shall cease.
- b. Any limb of a tree which has become likely to fall on or across any public way or place, shall be removed by the owner of the premises on which such tree grows or stands.

#### **Sec. 6. WIRES**

- a. It shall be unlawful to attach any wire or rope to any tree without the permission of the President and Board of Trustees.
- b. Any person or company given the right to maintain poles and wires in the streets, alleys, or other public places in the Village, shall, in the absence of provision in the franchise

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concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible, and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Water Superintendent, so that no injury shall be done to the poles or wires or shrubs and trees by contact.

### **Sec. 7. GAS PIPES**

Any person, firm or corporation maintaining any gas pipe in the Village, shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks.

### **Sec. 8. EXCAVATIONS**

In making excavations in streets and other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub wherever possible.

### **Sec. 9. PENALTY**

Any person, firm or corporation found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the investigation or enforcement of any of the provisions of this Chapter 8, upon conviction thereof, shall be punished by the imposition of a fine of not less than \$200.00, nor more than \$750.00 for the first offense, and not less than \$300.00, nor more than \$750.00 for the second and each subsequent offense. In addition, any person, firm or corporation found guilty of violating any provision of this Chapter 8 shall be assessed, in addition to any fine, an award of attorney's fees of \$250.00 to defray the cost to the Village to prosecute ordinance violations. A court may also impose a requirement that the person found guilty of a violation of any provision of this Chapter 8 perform some reasonable public service work such as, but not limited to, picking up litter in the public parks or along public roadways or the maintenance of public facilities. Any such "public service work" must be ordered by the Circuit Court of McLean County.

In the event that a person, firm or corporation charged with a violation of any provision of this Chapter 8 prefers to settle a first, second or third ordinance violation in lieu of further proceedings before a court of law, then the person, firm or corporation charged MUST within fifteen (15) days of the date of the ordinance violation pay the required fine amount as set forth in the schedule below and sign the ordinance violation issued and return the signed ordinance violation and full payment of the fine amount to the Village Clerk.

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### Article III. House Numbering

#### **Sec. 1. HOUSE NUMBERING REQUIRED**

All lots, buildings and structures in the Village shall be numbered.

#### **Sec. 2. CHART**

The Village Clerk shall keep a chart showing the proper street number of every lot in the Village which shall be open to inspection by anyone interested.

#### **Sec. 3. NUMBERS ON HOUSES**

It shall be the duty of the owners and occupants of every house in the Village to have placed thereon, in a place visible from the street, figures at least two and one-half (2-1/2) inches high, showing the number of the house; any person, firm or corporation failing to number any house, building or other structure if, after receiving notice to do so from the Clerk, shall continue in their failure to number such house, building or structure, may be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

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### Article IV. Motor Vehicle Code

**Sec. 1.** The Village of Downs hereby adopts the Illinois Motor Vehicle code and amendments thereto.

#### **Sec. 2. SIGNS AND SIGNALS**

It shall be unlawful for the driver of a vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the Board of Trustees or in accordance with the laws of the State of Illinois. All signs established by direction of the governing body shall conform to the state standards for traffic signs.

#### **Sec. 3. STOP SIGNS**

- a. Pursuant to 625 ILCS 5/11-304, traffic shall stop at the following locations in the Village of Downs: See Attached List.
- b. Signs establishing the foregoing obligation to stop shall be erected accordingly.
- c. Any person who shall violate any provision of this Ordinance shall be fined Sixty-Five Dollars (\$65.00) for each offense.

#### **Sec. 4. SPEED LIMIT**

- a. **Maximum Speed Limit:** The maximum speed limit on all public streets and highways within the corporate limits of the village which are not otherwise subject to the jurisdiction of the Illinois Department of Transportation is hereby established as twenty-five miles per hour (25 m.p.h.), unless otherwise provided for herein. Any person who shall violate any provision of Article IV, Section 4a, shall be fined One Hundred Twenty Dollars (\$120.00) for each offense.
- b. **Reasonable and Proper:** The fact that the speed of a vehicle is lower than the foregoing prima facie limits 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 pedestrians 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.
- c. **Signs Posted:** Any highway or street, part thereof or zone on which the maximum speed limit is other than twenty-five miles per hour (25 m.p.h.) shall be identified by the posting of appropriate signs giving notice of the maximum speed limit on such street or highway, parts thereof or zone. Any such maximum speed limit so adopted shall become effective upon the

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posting of such a sign or signs. Any person who shall violate any provision of Article IV, Section 4c, shall be fined One Hundred Twenty Dollars (\$120.00) for each offense.

- d. School Zones: Nothing herein shall be deemed to modify, alter or amend the designation of any highway, street, part thereof or zone as a “school zone” as that term is defined in accordance with the provisions of 625 Illinois Compiled Statues 5/11-605, which has been heretofore determined as a “school zone” by the Illinois Department of Transportation or the Village Board of Trustees. Any person who shall violate any provision of Article IV, Section 4d, shall be fined Two Hundred Dollars (\$200.00) for each offense.

### The Village of Downs Stop Sign Locations :

Intersection	Location of Sign
West Washington Street & North West Street	NW
West Washington Street & Price Street	NW/SE
West Main Street & South Price Street	NW/SE
East Franklin Street & South Seminary Street	NE
East Franklin Street & South Water Street	NW
East Franklin Street & South Lincoln Street	NW/NE
East Main Street & South Water Street	NW/SE
East Main Street & South Lincoln Street	SW
Main Street & South Seminary Street	NE/SW
Washington Street & Seminary Street	NE/SW
Grove Street & North Seminary Street	NE
Garfield Street & North Seminary Street	NE
Route 150 & North Seminary Street	SE
East Washington Street & Water Street	NW/SE
East Washington Street & Lincoln Street	NW/SE
East Washington Street & Cleveland Street	NW
East Washington Street & Woodlawn Street	NW
East Washington Street & Route 150	SE
East Grove Street & North Water Street	NE/SW
East Grove Street & North Lincoln Street	NE/SW
East Grove Street & North Cleveland Street	SW
East Garfield Street & North Water Street	SE
East Garfield Street & North Cleveland Street	SW
East Oak Street & North Lincoln Street	NE
East Oak Street & North Cleveland Street	NE/SW
East Oak Street & North Woodlawn Street	SE
East Oak Street & North East Street	SE
Dooley Street & North Cleveland Street	SE
Highway 36 & Route 150	NW

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Harvey Road (N 2075 E) & Highway 36	SW
Harvey Road (N 2075 E) & Fox Run	NE/SW/SE (3-way)
West Main Street & Gadwall Lane	NW/SE
West Main Street & Pintail Lane	NW/SE
West Main Street & Mallard	SE
Mallard & Merganser Court	SW
Mallard & Eider Court	SW
Huff Road ( 2000 E) & North Pintail Lane	NE
North Gadwall Lane & North Pintail Lane	NW
River Run & Cross Creek Court	NW
River Run & N 2075 East Road	SE (both ends of River Run)
Raef Road & Huff Road (N 2000 East Road)	SW
Dode Drive & Huff Road (N 2000 East Road)	SW
Dode Drive & Raef Road	SE
Ozzie Court & Raef Road	SE

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### Article V. Parking

#### **Sec. 1. DEFINITION OF WORDS AND PHRASES**

The following words and phrases, when used in this Ordinance, shall for the purpose of this Chapter, have the meanings respectively ascribed to them in this Article.

#### **Sec. 2. VEHICLES, TRAFFIC, ETC. - DEFINED**

- a. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- b. Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- c. Commercial Vehicle. Every vehicle designed, maintained, or used primarily for the transportation of property.
- d. Traffic. Pedestrians, ridden or herded animals, vehicles, or other conveyances either singly or together while using any street for the purposes of travel.
- e. Stop, Stopping or Standing. When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.
- f. Park. When prohibited means the standing of a vehicle, whether occupied or not, otherwise when temporarily for the purpose of and while actually engaged in loading or unloading.

#### **Sec. 3. PERSONS, ETC. - DEFINED**

- a. Person. Every natural person, firm, co-partnership, association, or corporation.
- b. Driver. Every person who drives or is in actual physical control of a vehicle.
- c. Police Officer. Chief of Police or any duly sworn officer.

#### **Sec. 4. STREETS, ETC. - DEFINED**

- a. Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- b. Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

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- c. Roadway. That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein, shall refer to any such roadway separately but not to all such roadways collectively.
- d. Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- e. Parkway. That portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines; or in the event that the lanes of any street are divided by a strip of grass, asphalt, or other material not ordinarily intended for vehicular use, such area shall be designated as the parkway.
- f. Alley. Those public or private thoroughfares less than twenty (20) feet in width and used primarily as the services access to abutting properties.
- g. Laned Roadway. A roadway which divided into two or more clearly marked lanes for vehicular traffic.
- h. Through Highway. Every street or highway or portion thereof; the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop and yield the right-of-way to approaching traffic before entering or crossing the same and when stop signs are erected as provided in this act.
- i. Intersection. (1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. (2) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways or such highways shall be regarded as a separate intersection.
- j. Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

### ***Sec. 5. STOPPING, STANDING, OR PARKING PROHIBITED***

No sign required.

- a. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

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- 1) on a sidewalk,
  - 2) in front of a public or private driveway,
  - 3) within fifteen (15) feet of a fire hydrant,
  - 4) within an intersection,
  - 5) on a cross walk,
  - 6) within ten (10) feet of a cross walk at an intersection, unless otherwise marked,
  - 7) within ten (10) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway,
  - 8) within fifty (50) feet of the nearest rail of an operating railroad crossing,
  - 9) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic,
  - 10) within twenty (20) feet of the driveway entrance to the fire station and on the East side of Seminary Street, opposite the entrance to the fire station when properly signed,
  - 11) on the roadway side of any vehicle stopped or parked at the edge or curb of a street,
  - 12) upon any bridge or other elevated structure upon a highway or within a highway tunnel,
  - 13) at any place where official signs prohibit stopping.
- b. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from the curb such distance as is unlawful.

### ***Sec. 6. PARKING NOT TO OBSTRUCT TRAFFIC***

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

### ***Sec. 7. PARKING ON SEMINARY STREET - U.S. 150 WITHIN DOWNS***

Seminary St. - No person shall park a semi-tractor, semi-trailer, or combination thereof, on either side of Seminary Street in the Village of Downs, south of the south side of Washington Street, and north of the north side of the Conrail Railroad tracks, all in the Village of Downs, Illinois, between the hours of 9:00 p.m. and 5:00 a.m. of the next day on any day in the Village of Downs, Illinois. Every person convicted of a violation of this Section of the Municipal Code of the Village of Downs, Illinois, may be fined fifty dollars (\$50.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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U.S. 150 within Downs - That in order to provide the health, safety, and welfare of its citizens, parking will be prohibited on both sides of U.S. route 150 entirely with the corporate limits of Downs. A person, firm, or corporation violating the provisions of this ordinance shall be fined not less than \$10.00 nor more than \$1,000.00 for each offense.

### ***Sec. 8. PARKING IN ALLEYS***

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

### ***Sec. 9. APPLICATION OF ARTICLE***

The provisions of this Article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

### ***Sec. 10. CITATION ON ILLEGALLY PARKED VEHICLE***

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by Ordinance of Village or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle, a traffic citation, on a form provided by the Village for the driver. The fine shall be twenty-five dollars (\$25.00) for the first offense, and fifty dollars (\$50.00) for subsequent violations within a year. The fine shall be enclosed in the attached envelope provided by the Village and placed in the United States mail, or paid to the Village police. Do not mail cash or make cash payments to the Village payment box. All cash payments must be made to the Village police officer or designee.

### ***Sec. 11. PARKING IN THE PARK***

No parking shall be allowed in the Parks after closing.

### ***Sec. 12. ACCEPTANCE OF FINES***

The Village Chief of Police or designee is hereby directed to collect and file receipts for fines in payment of violations for the provisions of this Ordinance. Failure of the Chief of Police or a designee to properly receipt for and turn over all fines so collected within a reasonable period of



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time after date of receipt may be grounds for his removal from office.

### ***Sec. 13. FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE***

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of seven (7) days after the citation has been issued, the Village Chief of Police or designee shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning the violator that in the event that the citation is not paid within fifteen (15) days of the issuance of the citation, then any person found guilty of violating this provision of Chapter 8, upon conviction thereof, shall be punished by the imposition of a fine of not less than \$200.00, nor more than \$750.00 for the first offense, and not less than \$300.00, nor more than \$750.00 for the second and each subsequent offense. In addition, any person found guilty of violating this provision of Chapter 8 shall be assessed, in addition to any fine, an award of attorney's fees of \$250.00 to defray the cost to the Village to prosecute ordinance violations. A court may also impose a requirement that the person found guilty of a violation of this provision of this Chapter 8 perform some reasonable public service work such as, but not limited to, picking up litter in the public parks or along public roadways or the maintenance of public facilities. Any such "public service work" must be ordered by the Circuit Court of McLean County.

### ***Sec. 14. PRESUMPTION IN REFERENCE TO ILLEGAL PARKING***

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

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## TRAFFIC, STREETS AND PARKING

### Article VI. Abandoned Vehicles

#### **Sec. 1. DEFINITIONS**

The following definitions shall apply to this section and if in conflict with definitions otherwise provided in this Municipal Code, the following definitions shall be deemed to apply rather than those otherwise contained in this Code:

- a. Inoperable Motor Vehicle. Any vehicle (as defined herein) from which, for a period of at least thirty (30) days, the engine, wheels, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
- b. Property. Any private property within the Village which is not a street, highway or alley and which is not owned by the Village of Downs.
- c. Public Property. Any property owned by the Village of Downs.
- d. Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel. This shall include all of the right-of-way owned by the municipality in any thoroughfare, street, highway or alley.
- e. Vehicle. A machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or sliders, and transport persons or property or pull machinery, and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, and wagon.
- f. Village. Village of Downs, Illinois, an Illinois municipal corporation.

All other words and phrases used herein shall be defined as the definition for that word is given in Chapter 95-1/2, §1, Illinois Revised Statutes, 1985 (as amended).

#### **Sec. 2. ABANDONMENT OF VEHICLES**

- a. The abandonment of a motor vehicle or any part thereof on any street, highway, alley or other public way or public property is unlawful and subject to penalties as set forth herein. Any police authority of the Village or acting on behalf of the Village, or any member of any such police authority's force or department is hereby authorized to remove a vehicle from a street, highway, alley or other public thoroughfare or public property, to the nearest garage or other place of safety or to the garage designated or maintained by the Village under the circumstances hereinafter enumerated:
  - 1) When any vehicle is left unattended upon any bridge, viaduct or causeway where such vehicle constitutes an obstruction to traffic.

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## TRAFFIC, STREETS AND PARKING

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- 2) When a vehicle upon a highway, street or alley is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
  - 3) When any vehicle is left abandoned or unattended upon a street, highway or other public thoroughfare or alley and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
  - 4) When any vehicle is left abandoned or unattended upon public property for over forty-eight (48) consecutive hours.
  - 5) Immediate removal from the street, highway, or public property adjacent to the highway when any vehicle left abandoned, unattended, wrecked, burned or partially dismantled is creating a traffic hazard because of its position in relation to a street or highway, or its physical appearance is causing the impeding of traffic.
- b. No person shall abandon any vehicle within the Village, and no person shall leave any vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. Further, no person shall leave any partially dismantled, inoperable, wrecked, or junked vehicle on any street, highway or other public thoroughfare, alley or other public property. Any vehicle so left may be removed by the Village through its lawful police force or by any police force acting on behalf of the Village whenever such vehicle is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic or is left unattended for over forty-eight (48) consecutive hours.
  - c. The abandonment of a vehicle or any part thereof on private property in view of the general public is unlawful except on property of the owner of such abandoned vehicle or any part thereof. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by any police authority of the Village or acting on behalf of the Village after waiting a period of seven (7) days from the time the abandoned vehicle or any part thereof was first made known to the police authority.
  - d. No person shall leave any inoperable motor vehicle, herein defined, on private property for a period longer than thirty (30) days unless such inoperable vehicle is kept within a building when not in use, is a historic or antique vehicle as such vehicles are defined in Chapter 95-1/2, Para. 1-102.1, Illinois Revised Statutes, 1985 (as amended), or such vehicle is on the premises of a place of business engaged in the wrecking or junking of motor vehicles, and such business is duly licensed by the State and Village to engage in such business. Any vehicle so left, whether on public or private property, is declared to be a public nuisance. Any police authority of the Village or acting on behalf of the Village, thirty (30) days after the existence and location of the inoperable motor vehicle has been brought to the police authority's attention, may serve notice upon the owner or occupant of the property upon which the inoperable motor vehicle is located, to remove and dispose of said vehicle. If the

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inoperable motor vehicle is not removed within seven (7) days after receiving notice by registered mail, the property owner, or occupant, or both, will be responsible for all towing, and storage fees. Any person found guilty of violating this provision of Chapter 8, upon conviction thereof, shall be punished by the imposition of a fine of not less than \$200.00, nor more than \$750.00 for the first offense, and not less than \$300.00, nor more than \$750.00 for the second and each subsequent offense. In addition, any person found guilty of violating this provision of Chapter 8 shall be assessed, in addition to any fine, an award of attorney's fees of \$250.00 to defray the cost to the Village to prosecute ordinance violations. A court may also impose a requirement that the person found guilty of a violation of this provision of this Chapter 8 perform some reasonable public service work such as, but not limited to, picking up litter in the public parks or along public roadways or the maintenance of public facilities. Any such "public service work" must be ordered by the Circuit Court of McLean County.

### ***Sec. 3. REMOVAL OF ABANDONED, UNATTENDED OR INOPERABLE VEHICLES***

- a. The Village police authority or any police authority acting on behalf of the Village to enforce this Ordinance, is hereby authorized to remove any abandoned, unattended or inoperable vehicle in violation of the provisions of this Ordinance. The police authority authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number, and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from location towed to, reason for towing and the name of the police authority authorizing the tow. If the vehicle is removed from private property, the police authority authorizing the tow shall provide a written notice and serve same on the occupant of the real estate premises upon which the vehicle is located, if there is an occupant do not indicate occupation by a person, the police authority shall post on the real estate premises, the aforesaid notice, such notice to be served or posted at least twenty-four (24) hours in advance of the removal of the vehicle. If, after notification, said vehicle has not been removed or placed within a lawful enclosure, the police authority may authorize the removal of the vehicle to the nearest garage or other place provided by the Village for storage and safekeeping of such vehicles.
- b. Whenever any police authority removes a vehicle from a street, highway, alley or other public way as authorized in this Ordinance, and the police authority knows or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, such police authority shall immediately give or cause to be given, notice in writing, to such owner of the fact of such removal and the reasons therefor and the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be sent to the proprietor of such garage.
- c. Whenever any police authority removes a vehicle from a street, highway, alley or other public way, and does not know and is not able to ascertain the name of the owner, or for

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- any other reason, is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the police authority shall immediately send or cause to be sent, a written report of such removal by mail to the agency or department of the State of Illinois whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal, and the name of the garage or place where the vehicle is stored.
- d. Vehicles not claimed by the owner thereof, may be disposed of after the time and in the manner as set forth in Chapter 95-1/2, Para. 4-208, Illinois Revised Statutes, 1985 (as amended).
  - e. All costs of towing and storing a vehicle under the provisions of this Ordinance, will be paid by the owner or by sale of such vehicle in accordance with the applicable laws providing for such sale.

### ***Sec. 4. ABATEMENT PROCEDURE:***

When any nuisance is of such nature or character, as described in this section, the Chief of Police or any duly sworn officer, shall in all cases be authorized to employ such assistance to affect the entire abatement of the nuisance in question, subject to the following procedures and under control of the Public Safety Trustee.

- a. Verbal warning and recorded
- b. Written warning recorded
- c. Fine recorded as provided for in this Chapter 8
- d. Increased fine recorded as provided for in this Chapter 8
- e. Increased fine recorded as provided for in this Chapter 8

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## TRAFFIC, STREETS AND PARKING

### Article VII. Snowmobiles

#### **Sec. 1. DEFINITIONS**

For the purpose of this Ordinance, the words and phrases used herein shall have the meaning respectively ascribed to them under the Illinois Snowmobile Registration and Safety Act, Chapter 9-1/2, Section 601.0, et. seq., 1977 Illinois Revised Statutes, as thereafter amended.

#### **Sec. 2. REGISTRATION**

Except as hereinafter provided, no person shall, after the effective date of this Ordinance, operate any snowmobile within the Village unless such snowmobile has been registered and numbered in accordance with the provisions of the Illinois Snowmobile Registration and Safety Act.

#### **Sec. 3. SNOWMOBILE ROUTE**

It shall be unlawful to operate a snowmobile within the Corporate limits of the Village of Downs, except upon property owned by or upon which the owner has given express permission to the operator of such snowmobile, or upon the portions of the highways designated in a map of the Village of Downs entitled "Snowmobile Route" attached to and made a part of this Ordinance, which delineates certain highways as permissible for snowmobile traffic within said Village limits, or upon any highways which afford the most direct or safest course to the snowmobile route to or from the point where the snowmobile is housed, or to and from the point of entry or exit of the snowmobile to or from the Village limits of the Village of Downs.

#### **Sec. 4. SNOWMOBILE EQUIPMENT**

All snowmobiles shall be equipped in accordance with the Illinois Snowmobile Registration and Safety Act.

#### **Sec. 5. CONTROL PROVISIONS**

No snowmobile may be driven upon any roadway or route of the community at a speed which is greater than reasonable and proper with regard to traffic conditions or which endangers the safety of any person or property. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle.

- a. Unless other speed restrictions may be established by the posting of speed limit signs under the authority of the Board of Trustees, the maximum speed limits are as follows:
  - 1) 20 m.p.h. on any Village street
  - 2) 15 m.p.h. on any Village alley
- b. Reckless Driving. Any person who drives any snowmobile with a willful or wanton disregard

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- for the safety of persons or property, is guilty of reckless driving.
- c. Racing. No person shall engage in any race on any street or alley within the corporate limits. Race means the act of two or more individuals competing either by acceleration or from passing or overtaking another individual in competing for time or position.
  - d. Snowmobiles shall be operated on all designated roadways as close as possible to the right-hand side of the roadway.
  - e. The operator shall not follow another vehicle more closely than is prudent with regard to the speed of such vehicles and the traffic upon and condition of the roadway.
  - f. Signals of intention to turn right or left when required, must be given during the last 100 feet of travel when the snowmobile is traveling on any highway within the Village.
  - g. Right-of-way. Any snowmobile approaching an intersection shall yield the right-of-way to a vehicle approaching on the opposite street which is entering the intersection. The snowmobile operator shall yield at all times and may proceed at such time as a safe interval occurs.
  - h. Snowmobiles shall obey all stop signs. The snowmobile should stop at the point nearest the intersecting street as to afford the operator a clear view of approaching traffic.
  - i. Accidents. Any operator involved in any accident with another snowmobile or other motor vehicle or pedestrian shall make accident reports in accordance with the provisions of the Illinois State Snowmobile Registration Act, Chapter 95-1/2, Article VI, Section 606-1.
  - j. No person under the influence of intoxicating liquor or narcotic drug may be in actual physical control of any snowmobile within the Village.
  - k. No person shall consume any alcoholic liquor while operating a snowmobile and any liquor transported shall be in its original package with the seal unbroken.
  - l. No person shall operate a snowmobile on any highway of the state, except to cross said highway at a ninety-degree angle, yielding to all traffic and crossing only when safe to do so.
  - m. Curfew for snowmobiles shall be 11:00 p.m., Monday through Thursday, and 12:00 a.m. on Friday, Saturday, and Sunday.
  - n. No person shall operate a snowmobile within the Village on any street or alley unless they are in possession of a valid driver's license issued by the State of Illinois. Youthful operators between the ages of 14 and 16 (or until they obtain a valid driver's license) who have been certified by the Department of Conservation may operate a snowmobile only if accompanied by a person with a valid driver's license and at least 21 years of age.

### Sec. 6. ENFORCEMENT AND INSPECTION

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This Ordinance shall be enforced by any Law Enforcement Agency with jurisdictional authority.

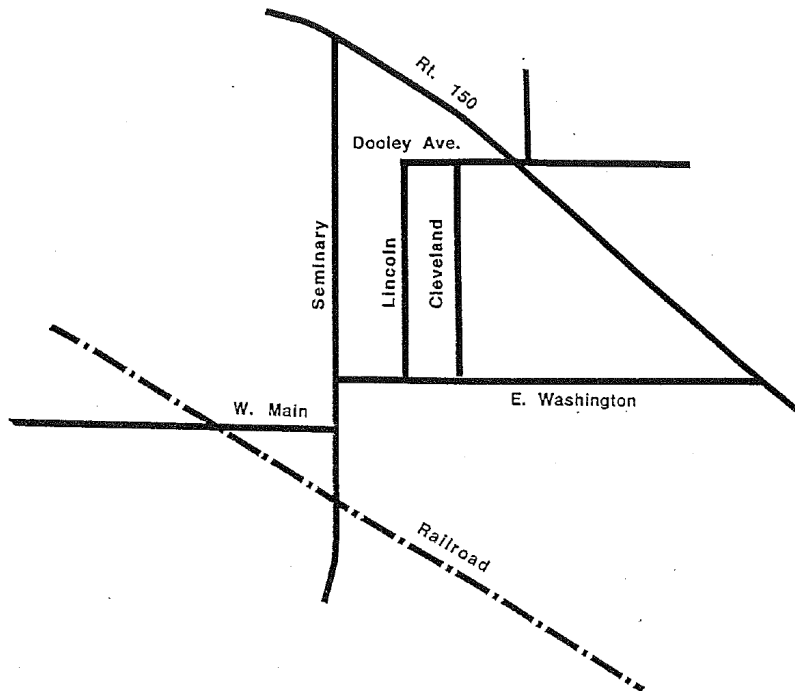
### Sec. 7. APPLICATION AND JURISDICTION

No portion of this Ordinance shall preclude the State of Illinois or its officers or agents from enforcing the Illinois Snowmobile Registration and Safety Act under Chapter 95-1/2 of 1977 Illinois Revised Statutes, Section 601-1 through 612-1 inclusive.

### Sec. 8. PENALTY

In addition to or in conjunction with any other penalty, the registration and identification number of any snowmobile which is operated in violation of the provisions of this Ordinance shall be revoked and terminated upon the second such violation within the space of one year, said revocation being for a period of one calendar year commencing on the date of such second violation.

### Sec. 9. SNOWMOBILE ROUTE



Snowmobile Route for the Village of Downs, Illinois



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### Article VIII. Penalty

#### **Sec. 1. FINES**

Any person, firm or corporation found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the investigation or enforcement of any of the provisions of this Chapter 8, upon conviction thereof, shall be punished by the imposition of a fine of not less than \$200.00, nor more than \$750.00 for the first offense, and not less than \$300.00, nor more than \$750.00 for the second and each subsequent offense. In addition, any person, firm or corporation found guilty of violating any provision of this Chapter 8 shall be assessed, in addition to any fine, an award of attorney's fees of \$250.00 to defray the cost to the Village to prosecute ordinance violations. A court may also impose a requirement that the person found guilty of a violation of any provision of this Chapter 8 perform some reasonable public service work such as, but not limited to, picking up litter in the public parks or along public roadways or the maintenance of public facilities. Any such "public service work" must be ordered by the Circuit Court of McLean County.

In the event that a person, firm or corporation charged with a violation of any provision of this Chapter 8 prefers to settle a first, second or third ordinance violation in lieu of further proceedings before a court of law, then the person, firm or corporation charged MUST within fifteen (15) days of the date of the ordinance violation pay the required fine amount as set forth in the schedule below and sign the ordinance violation issued and return the signed ordinance violation and full payment of the fine amount to the Village Clerk.

Schedule to settle ordinance violations in lieu of court proceedings:

First ordinance violation	\$25.00
Second ordinance violation	\$50.00
Third ordinance violation	\$100.00

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## TRAFFIC, STREETS AND PARKING

### ARTICLE IX. Truck Route

#### **Sec. 1 Scope**

This section pertains to vehicles or combinations of vehicles with a gross weight that is greater than eighteen thousand (18,000) pounds, operated or proposed to be operated on the streets of the Village of Downs.

#### **Sec. 2 State Statutes Adopted**

In addition to the provisions and requirements stated in this Article, the Village hereby adopts by the reference and incorporates herein the provisions of Chapter 15 of the Illinois Vehicle Code (625 ILCS 5/15-101 et seq.) as if directly set forth herein.

#### **Sec. 3 Truck Route Established**

- a. It is unlawful and a violation of this chapter for any person to operate a vehicle or combination of vehicles with a gross weight greater than eighteen thousand (18,000) pounds over any street or public way in the Village of Downs with the exception of confining their movement on the designated marked truck route as set forth hereinafter.
  - 1) County Highway 36 from County Highway 29 to U.S. Route 150 and as established by the McLean County Department of Transportation and the Illinois Departments of Transportation.
  - 2) North Seminary Street from Washington Street to U.S. Route 150 and as established by the McLean County Department of Transportation and the Illinois Departments of Transportation.
- b. Shaffer Drive from South Seminary Street to the end of concrete road.
- c. Shaffer Drive from the end of concrete road to the end of Shaffer Drive.
- d. West Main Street from South Seminary Street to Huff Road.
- e. Exceptions:
  - 1) Local Deliveries: Heavy vehicles as above described may be permitted off the truck routes within the Village only for the purpose of making local delivery, and when such local delivery is made, the vehicle leaving the route for the purpose of making the delivery shall take the shortest route to the point of local delivery and shall return to the designated truck route after completing local delivery by the shortest route.

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- 2) Permits: Any person may operate a vehicle or combination of vehicles that would otherwise be in violation of the provisions of this Article if a permit is issued by the Village pursuant to Section 4 of this Article.
- 3) School Buses: Any school bus owned and operated by any recognized public or private school is exempted from the provisions of this Article.
- 4) Government Vehicles or Equipment: Any vehicle or combination of vehicle equipment owned and operated by any government body, including, but not limited to, fire apparatuses and equipment, snow and ice removal operations, or rescue vehicles, is exempted from the provisions of this Article.
- 5) Garbage and Recycling Vehicles: Any vehicle or combination of vehicle equipment owned and operated by garbage and/or recycling companies for the purpose of garbage and/or recycle removal and pickup and is contracted by the Village for Village services is hereby exempted from the provisions of this Article.

### Sec. 4. PERMITS

- a. Permit: The Village may authorize, in their discretion, upon receipt of application and good cause being shown, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified by statute or ordinance or otherwise not in conformity with state statute or ordinance upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible.
- b. Application: The application for any such permit shall:
  - 1) State whether such permit is requested for a single trip or for limited continuous operation;
  - 2) State if the applicant is an authorized carrier under the Illinois Commercial Transportation Law (625 ILCS 5/18c-1101 et. Seq.), and if so, provide his certificate, registration or permit number issued by the Illinois Commerce Commission;
  - 3) Specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department of Transportation provided in Section 15-319 of the Illinois Vehicle Code (625 ILCS 5/15-319);
  - 4) State the routing requested including the points of origin and destination, any may identify and include a request for routing to the nearest certified scale in accordance with the Department of Transportation's rules and regulations;
  - 5) State if the vehicles or loads are being transported for hire;

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- 6) **Permit must be displayed in vehicles at all times.**
- b. Duration: Each permit shall have effect for no more than one year from date of issuance. Upon the expiration of the permit, a new application shall be submitted to the Village.
- c. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Commercial Transportation Law (625 ILCS 5/18c-1101 et seq.) to have a certificate, registration or permit and does not have such certificate, registration or permit.

### **Sec. 5. PENALTIES**

- a. Any person, firm or corporation found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the investigation or enforcement of any of the provisions of this Chapter 8, upon conviction thereof, shall be punished by the imposition of a fine of not less than \$200.00, nor more than \$750.00 for the first offense, and not less than \$300.00, nor more than \$750.00 for the second and each subsequent offense. In addition, any person, firm or corporation found guilty of violating any provision of this Chapter 8 shall be assessed, in addition to any fine, an award of attorney's fees of \$250.00 to defray the cost to the Village to prosecute ordinance violations. A court may also impose a requirement that the person found guilty of a violation of any provision of this Chapter 8 perform some reasonable public service work such as, but not limited to, picking up litter in the public parks or along public roadways or the maintenance of public facilities. Any such "public service work" must be ordered by the Circuit Court of McLean County.
- b. In the event that a person, firm or corporation charged with a violation of any provision of this Chapter 8 prefers to settle a first, second or third ordinance violation in lieu of further proceedings before a court of law, then the person, firm or corporation charged **MUST** within fifteen (15) days of the date of the ordinance violation pay the required fine amount as set forth in the schedule below and sign the ordinance violation issued and return the signed ordinance violation and full payment of the fine amount to the Village Clerk.

Schedule to settle ordinance violations in lieu of court proceedings:

First ordinance violation	\$25.00
Second ordinance violation	\$50.00
Third ordinance violation	\$100.00

- c. If a highway or structure is damaged as a result of any person driving any vehicle, object or contrivance upon any highway or highway structure in violation of this Chapter 8, the person, firm or corporation in violation shall, in addition to being liable for payment of the penalties set forth herein also be liable for payment of all damages which the highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle,

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object or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance exceeding the maximum dimensions or weighing in excess of the maximum weight specified. The measure of liability shall be the cost of repairing a facility partially damaged or the depreciated replacement cost of a facility damaged beyond repair together with all other expenses incurred by the Village in providing a temporary detour, including a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged highway or highway structure (see 625 ILCS 5/15-318).

- d. Joint and Several Liability: If the driver is not the owner of a vehicle, object or contrivance in violation of this Chapter 8 and the driver has the express or implied permission from such an owner, the owner is jointly and severally liable for any and all penalties stated herein.

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## TRAFFIC, STREETS AND PARKING

### Article X. Golf Cart and Utility-Terrain Vehicles

#### **Sec. 1. DEFINITIONS:**

The following definitions shall apply to this section and if in conflict with definitions otherwise provided in this Municipal Code, the following definitions shall be deemed to apply rather than those otherwise contained in this Code:

- a. Golf Cart: A “golf cart” is a motorized vehicle with three or four wheels that is not designed to be operated at a speed of more than twenty-five miles per hour (25 m.p.h.) whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.
- b. Utility-Terrain Vehicle: A “utility-terrain vehicle” is a self-propelled electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four wheeled motor vehicles with an engine displacement under 1,200 cubic centimeters which is capable of attaining in one-mile speed of more than fifteen miles per hour (15 m.p.h.) but not more than twenty-five miles per hour (25 m.p.h.) and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.
- c. Village Streets: The “village streets” consist of any of the streets within the boundaries of the Village of Downs.

#### **Sec. 2. REQUIREMENTS FOR OPERATION:**

- a. All persons wishing to operate a golf cart or a utility-terrain vehicle on the Village streets must ensure compliance with the following requirements:
  - 1) Apply for and receive a permit issued by the Village of Downs.
  - 2) Have and maintain proof of current liability insurance.
  - 3) Have the vehicle inspected by the Chief of Police or his duly authorized designee and receive a certification or permit from the Village.
  - 4) Must have a decal or registration approved by the Village on the rear of the vehicle.
  - 5) Must have a copy of the permit issued by the Village, valid registration, and valid insurance in the golf cart or utility-terrain vehicle at all times.
  - 6) Must have a current, valid Illinois driver’s license.
  - 7) Must be at least twenty-one (21) years of age.
  - 8) Golf carts must, at a minimum, be equipped with the following properly operating equipment:
    - a. Horn;
    - b. Brakes and brake lights;

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- c. Turn signals;
  - d. A steering wheel apparatus;
  - e. Tires;
  - f. Rearview mirror;
  - g. Seat belts;
  - h. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
  - i. Headlight that emits a white light from a distance of 300 feet to the front of which illuminate when in operation;
  - j. Tail lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
  - k. Any additional requirements which may be required by the Illinois Vehicle Code. (see 65 ILCS 5/11-1428).
- 9) Utility-terrain vehicles must at a minimum be equipped with the following properly operating equipment:
- a. Brakes and brake lights;
  - b. Turn signals on the front and rear;
  - c. Steering wheel apparatus;
  - d. Tires;
  - e. Rearview mirror;
  - f. Seat belts;
  - g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
  - h. Headlight that emits a white light visible from a distance of 300 feet to the front of which illuminate when in operation;
  - i. Tail lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
  - j. Any additional requirements which may be amended to 65 ILCS 5/11-1426 or the Illinois Vehicle Code.
- 10) Must obey all traffic laws of the State of Illinois and the Village of Downs.
- 11) Must be operated only on Village streets, except where prohibited.
- 12) May not be operated on any county highway or any other Illinois Department of Transportation road except to cross the roadways at any intersection.
- 13) Must not be operated in excess of posted speed limits and, with respect to utility-terrain vehicles, may not exceed twenty-five miles per hour (25 mph).
- 14) A person operating or is in actual physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence of alcohol or drugs is subject to Sections 11-500 through 11-502 et al. of the Illinois Compiled Statutes (625 ILCS 5/11-550 – 625 ILCS 5/11-502).
- 15) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in the Village parks other than parking areas.

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- 16) All golf carts and utility vehicles shall be limited to the number of passengers permitted per the manufacturer's requirements.
- 17) Must comply with all other standards and requirements set forth by the manufacturer.

### **Sec. 3. PERMIT REQUIRED:**

- a. No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Chief of Police of the Village of Downs as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. Insurance coverage shall be submitted and verified by the Chief of Police when obtaining or renewing a permit.
- b. Every application for a permit shall be made on a form supplied by the Village and shall contain at a minimum the following information:
  - 1) Name and address of applicant;
  - 2) Name and liability insurance carrier;
  - 3) The serial number, make, model and description of golf-cart or utility-terrain vehicle;
  - 4) Signed Waiver of Liability by applicant releasing the Village of Downs and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from operation of their golf cart or utility-terrain vehicle on the Village of Downs streets;
  - 5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
  - 6) The operator shall be required to submit all documents and information and meet all the requirements of this chapter;
  - 7) Such other information as the Village may require.
- c. No permit shall be granted unless the following conditions are met:
  - 1) The vehicle must be inspected by the Village of Downs Chief of Police or his duly authorized designee to ensure that the vehicle is safe to operate on Village streets and is in compliance with this ordinance and with the State of Illinois Motor Vehicle Code.
  - 2) A physically handicapped applicant must submit a certificate signed by a licensed physician certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on Village streets.
  - 3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.



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- d. The Village may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any provision of this ordinance or there is evidence that the permittee cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways.
- e. Fees: The cost of the permit is Fifty Dollars and no cents (\$50.00).
- f. Exception:
  - 1) The permit fee shall be waived for all governmental or recognized not for profit entity.
  - 2) The Village may issue a temporary special event permit for use of golf carts or utility-terrain vehicles that may not be in compliance with the requirements of this chapter and that are valid and issued only during that event.

### **Sec. 4. VIOLATIONS:**

It is unlawful for any person to drive or operate any golf cart or all-terrain vehicle in the following ways:

- a. In violation of any requirement of this Ordinance.
- b. Careless Operation: No person shall operate any golf cart or utility-terrain vehicle in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the golf cart or utility-terrain vehicle to a stop with the assured clear distance ahead.
- c. Reckless Operation: No person shall operate any golf cart or utility-terrain vehicle in such a manner as to endanger the life, or limb or property of any person.
- d. Within any nature preserve as defined in Section 3.11 of the Illinois Natural Areas Preservation Act. (see 525 ILCS 30/3.11)
- e. On the tracks or right of way of an operating railroad.
- f. In any tree nursery or planting in a manner which damages or destroys growing stock or creates a substantial risk thereto.
- g. On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating an utility-terrain vehicle or off-highway motorcycle upon lands or another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the utility-terrain vehicle or off-highway motorcycle from the premises.
- h. Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for entry or use by others for use by an

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utility-terrain vehicle or off-highway motorcycle, or to give warning of any condition, use, structure or activity on such premises. This subsection does not apply where permission to drive or operate an utility-terrain vehicle or off-highway motorcycle is given for a valuable consideration other than to this State, any political subdivision or municipality of this State, or any landowner who is paid with funds from the Off-Highway Vehicle Trails Fund. In the case of land leased to the State or a subdivision of the State, any consideration received is not valuable consideration within the meaning of this Section.

- i. Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.
- j. On publicly owned lands unless such lands are designated for use by utility-terrain vehicles or off-highway motorcycles. For publicly owned lands to be designated for use by utility-terrain vehicles or off-highway motorcycles a public hearing shall be conducted by the governmental entity that has jurisdiction over the designation.
- k. Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.
  - 1) At a rate of speed too fast for conditions, and the fact that the speed of the utility-terrain vehicle or off-highway motorcycle does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle, or object within legal requirements and the duty of all persons to use due care.
  - 2) On the frozen surface of public waters of this State within 100 feet of a person, including a skater, not in or upon an utility-terrain vehicle or off-highway motorcycle; within 100 feet of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the utility-terrain vehicle or off-highway motorcycle; on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this State.
  - 3) Within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the utility-terrain vehicle or off-highway motorcycle. This subdivision does not apply on private property where verbal or written consent of the owner or lessee has been granted to drive or operate an utility-terrain vehicle or off-highway motorcycle upon the private property or frozen waters of this State.
- l. Other Provisions:
  - 1) No persons, except persons by law, shall operate or ride any utility-terrain vehicle or off-highway motorcycle with any firearm in his or her possession unless he or she is in compliance with Section 2.33 of the Wildlife Code. (see 520 ILCS 5/2.33).
  - 2) No person shall operate any utility-terrain vehicle or Off-highway motorcycle emitting pollutants in violation of Standards established pursuant to the

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Environmental Protection Act. (see 415 ILCS 5/1 et seq.).

- 3) No person shall deposit from an utility-terrain vehicle or off-highway motorcycle on the snow, ice or ground surface, trash, glass, garbage, insoluble material, or other offensive matter.

### **Sec. 5. PENALTIES**

Any person who violates this provision of Chapter 8 shall be guilty of a petty misdemeanor and shall be punished by a minimum fine of Seventy-Five Dollars (\$75.00). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) nor more than five (5) years. To the extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

**Adopted:** November 2, 1995 via Ordinance 1995-06

**Modified:** November 6, 1997 via Ordinance 1997-14

**Modified:** December 2, 1999 via Ordinance 1999-28

**Modified:** November 5, 2009 via Ordinance 2009-16

**Modified:** February 4, 2016 via Ordinance 2016-06

**Modified:** March 1, 2018 via Ordinance 2018-05

**Modified:** June 7, 2018 via Ordinance 2018-12