

**CHAPTER 70: GENERAL PROVISIONS**

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**GENERAL PROVISIONS**

**§ 70.01 ILLINOIS MOTOR VEHICLE CODE ADOPTED.**

Pursuant to 625 Illinois Compiled Statutes 5/20-204, the Village hereby adopts in entirety the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/1-100 et seq., as amended, (“Illinois Vehicle Code”) and the same is hereby adopted as ordinance provisions of the Village. Any violation of said provisions of the Illinois Vehicle Code shall hereinafter be considered a violation of this Chapter, and each such violation shall subject the violator, upon conviction, to the same penalties as set forth in the Illinois Vehicle Code.

(Ord. 7-1-A, passed 12-18-2002; Amd. Ord. 2013-7-A-2, passed 12/18/2013)

## **VEHICLE TAX AND LICENSES**

### **§70.15 PAYMENT OF VEHICLE TAX REQUIRED.**

It shall be unlawful for any person residing in the Village, or for any firm, association, or corporation having its principal place of business in the Village, to use, or cause or permit any of his, her, their, or its agents or employees to use, for a longer period of time than 30 days, any motor vehicle, as such is defined in the Illinois Vehicle Code, and having its situs within the corporate limits of the Village, in the transportation of persons or property or the conveyance of loads upon the streets, avenues, or alleys of this Village, without having first paid to the Village an annual vehicle tax as provided in this Chapter unless the vehicle is licensed as herein after provided.

(Ord. 7-2-A, passed 4/18/2007; Amd. Ord. 7-2-B, passed 04/17/2013) Penalty, See §70.21

### **§70.16 APPLICATION.**

On or before May 1 of each year, or sixty (60) days after establishing a residency and/or business within the Village, each person and/or household having residence in the Village, and each business, including but not limited to any firm, association, or corporation (sometimes referred to herein as a “business”) having its principal place of business within the Village is and shall be required to submit to the Village Clerk an application for vehicle license(s) for those vehicle(s) having situs in the Village upon a form provided by the Village, setting forth information relative to each vehicle owned and/or operated by said person, household, and/or business, and the name(s) and address(es) of the owner(s) thereof, including but not limited to the name and address of the applicant, the description of each motor vehicle to be licensed and the state license number of each such vehicle, and any other information as prescribed on said application.

(Ord. 7-2-A, passed 4/18/2007; Amd. Ord. 7-2-B, passed 04/17/2013; Amd. Ord. 2019-11-01, passed 11/20/19)

### **§70.17 VEHICLE TAX IMPOSED; EXCEPTIONS.**

- (A) Vehicle Tax Imposed: Commencing May 1, 2013, an annual vehicle tax is and shall be imposed upon the owner and/or operator of a motor vehicle as defined in the Illinois Vehicle Code, which is registered with the Illinois Secretary of State to a premises located within the Village or which motor vehicle has its situs in the Village notwithstanding the owner’s residence. It shall constitute prima facie evidence that a motor vehicle is operated on the streets of the Village when registered or it has its situs in the Village. Situs shall mean the owner’s premises where the motor vehicle is principally garaged, dispatched from, or where the movement of the vehicle originates. The vehicle tax imposed shall be for a period commencing on May 1 of each year and ending on April 30 of the following year, or portion thereof, and shall be required to be paid to the Village on an annual basis.
  
- (B) Presumption of Ownership: There is established a rebuttable presumption that each household and/or business having its principal location within the Village owns and/or operates at least one motor vehicle registered or with situs to the owner’s or operator’s premises in the Village. This presumption may be rebutted by the property owner and/or occupant filing a sworn affidavit with the Village Clerk that there is no motor vehicle registered or with situs on his, her or its premises in the Village. The Village Clerk will investigate the facts set forth in such affidavit and if the

information provided therein is confirmed, the vehicle tax provided by this Section shall not be imposed.

- (C) Upon the payment of the required vehicle tax, the Village Clerk shall, upon request of the applicant(s), deliver to the applicant one (1) or more gummed vehicle tag(s) or sticker(s) upon which shall be shown the year for which the license is issued, the display of which vehicle tag(s) or sticker(s) shall not be required by this Chapter but shall be displayed at the option of the applicant(s). It shall then be the duty of the applicant to affix the gummed tag or sticker upon the windshield of the applicable motor vehicle(s) where it can be readily seen. Upon presentation to the Village of documentation evidencing responsibility for one or more vehicle(s) having situs in the Village, upon request of the applicant(s), additional vehicle tags or stickers shall also be issued by the Village Clerk to any household or business for which the annual vehicle tax has been paid, either free of charge or for a nominal fee to reflect the actual cost incurred by the Village of the vehicle tag or sticker as determined by the Village Board from time to time. It shall be unlawful for any motor vehicle for which an annual vehicle tax is required to be paid to the Village to be used upon the streets, avenues, or alleys of the Village unless said vehicle tax for such vehicle has been paid. It shall not be a defense that the vehicle is otherwise licensed elsewhere.

(Ord. 7-2-A, passed 4/18/2007; Amd. Ord. Ord. 7-2-B, passed 04/17/2013) Penalty, see § 70.21

#### **§70.18 VEHICLE TAX RATE; METHOD OF BILLING; LATE FEE.**

- (A) Except as otherwise provided in this Chapter, each household and/or business having its principal location within the Village is required to and shall pay to the Village an annual vehicle tax of Thirty Dollars (\$30.00), which shall apply to all motor vehicles registered or having situs on a premises within the Village, which vehicle tax shall be directly billed to the owner(s) and/or occupant(s) of the premises, i.e., each household and/or business having its principal place of business within the Village.
- (B) The vehicle tax provided herein shall be paid to the Village on an annual basis, and each household and/or business having its principal place of business within the Village shall receive from the Village with each annual bill for said vehicle tax an application which each such household or business shall be required to complete and return to the Village with payment of said vehicle tax on or before the due date, which due date shall be on or before May 1 of each year. It shall be and constitute a separate violation of this Section 70.18(B) to fail to pay said vehicle tax within sixty (60) days after the due date.
- (C) Within sixty (60) days of establishing residency and/or a business within the Village, each new Village resident and/or business shall be required to complete the aforesaid application for vehicle license(s) as provided in this Section and pay to the Village the required vehicle tax.
- (D) Payment for any such vehicle tax received by the Village after the due date shall be subject to and accompanied by payment of a separate mandatory vehicle tax surcharge of One Hundred Dollars (\$100.00), in addition to the Thirty Dollar (\$30.00) vehicle tax otherwise required by this Chapter to be paid. It shall be and constitute a separate violation of this Section 70.18(D) to fail to pay such mandatory vehicle tax surcharge, where applicable, by the due date.

(Ord. 7-2-A, passed 4/18/2007; Amd. Ord. Ord. 7-2-B, passed 04/17/2013; Amd. Ord. 2019-11-01, passed 11/20/19) Penalty, See §70.21

**§70.19 SALE OR TRANSFER OF VEHICLE.**

- (A)(1) Immediately upon the sale or transfer of any motor vehicle to which a vehicle license tag or sticker issued by the Village, if any, was affixed prior to the date of the sale or transfer of said motor vehicle, the seller shall remove such license tag or sticker from the motor vehicle so sold or transferred.
- (2) The vehicle license tag or sticker so issued for the subject motor vehicle(s), if any, shall cease to apply to the subject motor vehicle(s) and shall cease to apply to any new purchaser thereof immediately from the date of sale or transfer of such vehicle.
- (B) No vehicle license tag or sticker issued by the Village, if any, for or assigned to any motor vehicle shall ever be used for or attached to or upon a vehicle other than the specific vehicle(s) for which the vehicle license tag or sticker was issued.

(Ord. 7-2-A, passed 4/18/2007; Amd. Ord. Ord. 7-2-B, passed 04/17/2013) Penalty, See §70.21

**§ 70.20 USE OF FUNDS.**

The proceeds of the vehicle tax so collected shall be used for the purpose of improving, paving, repairing, or maintaining the streets and other public roadways within the Village, provided that the actual cost of the collection of the fees and the distribution thereof may be deducted from the total amount collected.

(Ord. 7-2-A, passed 4/18/2007; Amd. Ord. Ord. 7-2-B, passed 04/17/2013)

**§70.21 PENALTY**

Except as otherwise provided herein, any person, household, and/or business that fails to comply with the provisions of this Chapter shall be subject to a penalty of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such violation, and each day any such violation exists and/or continues to exist shall be a separate violation of this Chapter.

***WEIGHT AND LOAD LIMITS***

**§ 70.35 PURPOSE.**

To promote the safety of the general public and to preserve the roads and streets under the jurisdiction of the Village for the use of the general public, it is hereby declared that the following rules and regulations as to maximum weight and load shall apply to all vehicles using the public roads and streets under the jurisdiction of the Village, pursuant to ILCS Ch. 625, Act 5, § 15-316.

(Ord. 7-4-A, passed 1/16/1991)

### **§ 70.36 UNLAWFUL OPERATION.**

It shall be unlawful to operate any vehicle (including any tractor, trailer, and accompanying load) on any street within the Village, except on Roberts Road, when:

- (A) The weight per axle of the vehicle exceeds eight tons;
- (B) The gross weight of the vehicle exceeds the number of axles times eight tons; or
- (C) The gross weight of the vehicle exceeds 37 tons.

(Ord. 7-4-A, passed 1/16/1991) Penalty, see § 70.99

### **§ 70.37 EXCEPTIONS.**

(A) *Generally.* The following vehicles and uses are hereby excepted from the provisions of § 70.36.

(B) *Specifically.*

- (1) Firefighting apparatus and equipment for snow and ice removal operations or any other vehicle being operated for immediate public emergency purposes;
- (2) Delivery/pickup vehicles with destination points located on Village streets with posted weight restrictions;
- (3) Implements of husbandry defined as follows, with destination points located on Village streets with posted weight restrictions: every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers, or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer, or like vehicle having a gross weight of more than 36,000 pounds shall be included hereunder;
- (4) Public utility (as defined in ILCS Ch. 625, Act 5, § 1-164.7) vehicles which are engaged in the repair, maintenance, construction, or installation of utility service to persons or properties located on Village streets with posted weight restrictions;
- (5) Garbage, refuse, and septic vehicles operated to service properties located on Village streets with posted weight restrictions;
- (6) Vehicles owned or operated by the Village or operated by other persons under contract with the Village for Village purposes with destination points located on Village streets with posted weight restrictions;
- (7) School buses being operated within the Village to pick up from or return children to residences within the Village located on Village streets with posted weight restrictions;
- (8) Vehicles operating under special permits, as issued pursuant to § 70.38;
- (9) Feed trucks, trucks hauling livestock, milk trucks, and fertilizer trucks with destination points located on Village streets with posted weight restrictions and emergency service vehicles used in emergency maintenance repair of farm buildings and farm equipment with the buildings and equipment to be serviced on Village streets with posted weight restrictions; and

- (10) Notwithstanding any of the hereinabove described exceptions, no vehicle shall be operated on any Village roads which is not allowed to be operated on state roads and any vehicle prohibited from operation on state roads for any reason, including, but not limited to, weight and size, shall be prohibited from operation on Village roads without an appropriate permit for such.

(Ord. 7-4-A, passed 1/16/1991) Penalty, see § 70.99

### **§ 70.38 SPECIAL PERMITS.**

- (A) The Village, with respect to highways under its jurisdiction other than Roberts Road, shall, upon written application, authorize the applicant to operate or move a vehicle or combination of vehicles of a weight exceeding the maximum specified in § 70.36, upon a showing that there is no other route available on public roads, except for a route including Village roads.
- (B) The form of application for a special permit shall be made available through the Village Clerk upon the showing of the following information:
  - (1) Name, address, and telephone number of applicant;
  - (2) A specified description of the vehicle(s) and load(s) to be operated or moved pursuant to the special permit;
  - (3) The point of origin and destination of the overweight vehicle(s) and load(s);
  - (4) A statement that there is no other route available on public roads, except for a route including Village roads;
  - (5) The date(s) or period of time for which the special permit is requested; and
  - (6) A diagram of the proposed route of operation through the Village.
- (C)
  - (1) The application shall be verified under oath.
  - (2) The Village shall act to allow or deny the requested special permit in one business day following the day of receipt by the Village Clerk of a fully-completed application for special permit and a certified check or cash for the application fee.
- (D)
  - (1) An application fee sufficient to cover the cost of processing, issuing, and analyzing an application for special permit shall be required by and paid to the Village Clerk at the time of the delivery of the completed application.
  - (2) The amount of the application fee shall be \$100.
- (E)
  - (1) The special permit shall continue in full force and effect for a period of one year from the date of issuance unless there is a change of circumstances by which routes become available on public roads outside of the corporate limits of the Village.
  - (2) Upon showing that any other route is available, the applicant shall be notified by the Village, in writing, of the termination of the special permit and the special permit shall terminate five days from the date of mailing the notice to the applicant's last known address or, upon receipt of the notice by the applicant, whichever shall first occur.

(F) The Village shall designate in the special permit the route to be used on roads within the corporate limits of the Village.

(Ord. 7-4-A, passed 1/16/1991)

### **§ 70.39 POSTING OF SIGNS.**

Any agent of the Village is directed to erect and maintain signs designating the limitations contained in this subchapter at each and every roadway of the Village.

(Ord. 7-4-A, passed 1/16/1991)

### **§ 70.40 EFFECTIVE DATE.**

This subchapter shall be in full force and effect from and after its passage as required by law and shall not be effective unless and until signs designating weight limitations are erected and maintained pursuant to the provisions of this subchapter.

(Ord. 7-4-A, passed 1/16/1991)

## ***SNOWMOBILES***

### **§ 70.55 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***OPERATE.*** To control the operation of a snowmobile.

***OPERATOR.*** A person who operates, or is in actual control of, a snowmobile.

***SNOWMOBILE.*** A self-propelled vehicle designed for travel on snow or ice in a natural terrain powered by a drive belt and steered by skis or runners or similar devices.

***SNOWMOBILE ROUTES.*** Streets or roads designated as ***SNOWMOBILE ROUTES*** from the Village limits to and from the Center Street Bridge, and routes on other Village property where the route or routes have been so designated and marked by the Village.

(Ord. 7-5-A, passed 1/19/1983; Amd. Ord. 2019-03-02, passed 03/20/2019)

### **§ 70.56 ROUTES.**

- (A) Center Street Northeast from the bridge to Roberts Road; and
- (B) North Circle from Center Street through Evergreen Court.
- (C) On any snowmobile route so marked and designated by the Village.

(Ord. 7-5-A, passed 1/19/1983; Amd. Ord. 2019-03-02, passed 03/20/2019)

**§ 70.57 VIOLATIONS.**

- (A) (1) No person shall operate a snowmobile upon a public street of the Village, or on other Village property (as defined in Section 94.01 of this Code), other than on a snowmobile route which has been so designated and marked by the Village, for any purpose except to travel to and from his or her snowmobile's storage location and/or to and from the nearest designated Village snowmobile route.
  - (2) In so doing, the operator must use the shortest and most direct route between the storage location and the nearest Village designated snowmobile route.
  - (3) Notwithstanding anything in this Section to the contrary, no person shall operate any snowmobile or other motorized vehicle on any pedestrian path or on any other common area which is owned by the Village and/or maintained by the Riverwalk Homeowners' Association.
- (B) No person shall operate a snowmobile upon a public street in the Village or on a Village designated snowmobile route, unless the snowmobile is properly registered and numbered in accordance with the laws of the state and unless the snowmobile meets the equipment and safety requirements of the laws of the state.
- (C) No person shall operate a snowmobile on a public street in the Village or on other Village property at a speed greater than 15 mph.
- (D) No person shall operate a snowmobile on a public street in the Village or on other Village property, unless that person possesses a valid motor vehicle driver's license or is in possession of a certificate issued by the state authorizing him or her to operate a snowmobile.
- (E) Every operator of a snowmobile shall obey all traffic signs and signals and all traffic laws and regulations.
- (F) No person shall operate a snowmobile on any private property without the prior written consent of the owner or lessee thereof.
- (G) Every operator of a snowmobile shall yield the right-of-way to pedestrians and persons operating motor vehicles.
- (H) Whenever two or more snowmobiles are being operated along the same part of a public street in the Village at the same time and in the same direction, then the operators of those snowmobiles shall keep them in single file.
- (I) No person shall operate a snowmobile in a reckless or careless manner at an excessive rate of speed, or while under the influence of alcoholic liquor or drugs.
- (J) (1) No person shall operate a snowmobile which is not equipped with an adequate and functioning muffler, or in any manner which causes excessive noise or air pollution.
  - (2) Any snowmobile operated at night shall display a lighted headlight and red tail light, each visible for at least 500 feet.
- (K) No person shall operate a snowmobile within 75 feet of hockey rinks or other areas cleaned for skating, tobogganing, or other winter activities.



(Ord. 7-5-A, passed 1/19/1983; Amd. Ord. 2019-03-02, passed 03/20/19) Penalty, see § 70.99

**§ 70.58 EFFECTIVE DATE.**

This subchapter shall be in full force and effect from and after its passage, approval, and publication as required by law.

(Ord. 7-5-A, passed 1/19/1983)

**§ 70.99 PENALTY.**

- (A) Any person violating any provision of this Title VII for which no specific penalty is prescribed shall be subject to those provisions contained in §10.99.
- (B) A fine of not less than \$250.00 shall be imposed against any person who pleads guilty of operating a vehicle without a certificate of safety attached, as that charge is defined in the State Motor Vehicle Code, ILCS Ch. 625, Act 5, § 13-111.
- (C) Any person, firm, association, or corporation violating any of the provisions of §§70.15 through 70.21 shall be fined not less than \$100.00 and not more than \$750.00 for each offense, and each day any motor vehicle is used upon the streets, avenues, or alleys of the Village without having a Village vehicle license issued therefor as above provided and without having complied with the provision of §§70.15 through 70.21 shall be considered a separate offense.
- (D) Notwithstanding the provisions of §70.38, the minimum fine for any violation of §70.36 shall be determined by strict compliance with the Overweight Fine Chart in Appendix A to this Chapter. Each trip through the Village by a vehicle in violation of §70.36 shall be deemed a separate and distinct offense.
- (E) Every violation of §§70.55 through 70.58 shall be punishable by a fine of not less than \$250.00, and not more than \$750.00.
- (F) Any person, firm, association, or corporation violating the provisions of §71.01 shall be fined not less than \$50.00 nor more than \$750.00 for each offense.
- (G) The penalty for violating any provision of Chapter 72 of this Title shall be a fine of not less than \$50.00 nor more than \$750.00 per offense, and each vehicle parked in violation of said Title shall be considered an offense, and each day a violation has existed or continues to exist shall be a separate offense.
- (H) Any person violating any provision of Chapter 73, Schedule II, shall be fined not less than \$50.00 nor more than \$750.00 for each offense.
- (I) Each day a violation is committed or continues shall be considered a separate offense.

(Ord. 7-5-A, passed 1/19/1983; Ord. 7-6-A, passed 4/18/1990; Ord. 7-9-A, passed 6/20/1990; Ord. 7-4-A, passed 1/16/1991; Ord. 7-10-C, passed 5/18/1994; Ord. 7-6-A-1, passed 4/17/2002; Ord. 7-1-B, passed 1/15/2003; Ord. 7-2-A, passed 4/18/2007; Amd. Ord. 2013-7-2-A, passed 12/18/2013; Amd. Ord. 2019-03-02, passed 03/20/2019)

**APPENDIX A: OVERWEIGHT FINE CHART**

<i>Weight (in pounds)</i>	<i>Fine</i>	<i>Penalty Assessment</i>	<i>County Fee</i>	<i>County Cost</i>	<i>Total Bond</i>
0 through 2,000	\$100.00	\$4.00	\$5.00	\$25.00	\$134.00 (unless the overweight can be shifted or removed to conform to all legal weights)
2,001 through 2,500	\$270.00	\$13.50	\$5.00	\$25.00	\$313.50
2,501 through 3,000	\$330.00	\$16.50	\$5.00	\$25.00	\$376.50
3,001 through 3,500	\$500.00	\$26.00	\$5.00	\$25.00	\$576.00
3,501 through 4,000	\$600.00	\$30.00	\$5.00	\$25.00	\$660.00
4,001 through 4,500	\$850.00	\$42.50	\$5.00	\$25.00	\$922.50
4,501 through 5,000	\$950.00	\$47.50	\$5.00	\$25.00	\$1,027.50
5,001 through 5,500	\$1,500.00	\$82.50	\$5.00	\$25.00	\$1,612.50
5,501 through 6,000	\$1,650.00	\$90.00	\$5.00	\$25.00	\$1,770.00
6,001 through 6,500	\$1,800.00	\$97.50	\$5.00	\$25.00	\$1,927.50
6,501 through 7,000	\$1,950.00	\$105.00	\$5.00	\$25.00	\$2,085.00
7,001 through 7,500	\$2,100.00	\$112.50	\$5.00	\$25.00	\$2,212.50
7,501 through 8,000	\$2,252.00	\$120.00	\$5.00	\$25.00	\$2,400.00
8,001 through 8,500	\$2,400.00	\$127.50	\$5.00	\$25.00	\$2,557.50
8,501 through 9,000	\$2,550.00	\$135.00	\$5.00	\$25.00	\$2,715.00
9,001 through 9,500	\$2,007.00	\$142.50	\$5.00	\$25.00	\$2,872.50
9,501 through 10,000	\$2,850.00	\$150.00	\$5.00	\$25.00	\$3,030.00
10,001 through 10,500	\$2,000.00	\$157.50	\$5.00	\$25.00	\$3,187.50
10,500 through 11,000	\$3,150.00	\$165.00	\$5.00	\$25.00	\$3,315.00
<p>NOTES TO TABLE:</p> <p>1) Fine + Penalty Assessment + County Fee + County Cost = Total Bond</p> <p>2) For each additional 500 pounds, increase fines by \$75.00 and increase penalty assessments by \$7.50.</p>					

(Ord. 7-4-A, passed 1/16/1991)