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**THE CITY OF BLUE ISLAND  
COOK COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 2016-001**

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**AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE VII  
OF THE CODE OF ORDINANCES FOR THE  
CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS.**

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**DOMINGO F. VARGAS, Mayor  
Randy Heuser, City Clerk**

<b>1st Ward</b>	<b>TOM HAWLEY</b>	<b>GEORGE POULOS</b>
<b>2nd Ward</b>	<b>LETICIA VIEYRA</b>	<b>FRED BILOTTO</b>
<b>3rd Ward</b>	<b>NANCY RITA</b>	<b>KEVIN DONAHUE</b>
<b>4th Ward</b>	<b>CANDACE CARR</b>	<b>ALECIA SLATTERY</b>
<b>5th Ward</b>	<b>JANICE OSTLING</b>	<b>KENNETH PITTMAN</b>
<b>6th Ward</b>	<b>DEXTER JOHNSON</b>	<b>JAIRO FRAUSTO</b>
<b>7th Ward</b>	<b>NANCY THOMPSON</b>	<b>JAMES JOHANSON</b>

**Aldermen**

**ORDINANCE NO. 2016-001**

**AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE VII OF THE CODE OF ORDINANCES FOR THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS**

**BE IT ORDAINED** by the Mayor and City Council of the City of Blue Island, Cook County, Illinois (the "*City*"), as follows:

**SECTION ONE**

The amendments, contained in Ordinance No. 2016- 001 Exhibit A attached hereto, shall be made to the title page, tables of contents, and Chapters 70-74 of Title VII of the Blue Island Code of Ordinances with insertions as indicated by underlined text and deletions as indicated by stricken text. The provisions contained in the attached exhibit are incorporated herein by reference as if fully set forth herein. The indexes and sub-indexes shall also be amended as necessary to comport with the amendments contained therein.

**SECTION TWO**

This ordinance shall be in full force and effect upon the date of passage or as otherwise required by law and shall supersede all ordinances, or parts thereof, in conflict herewith. All other provisions of Title VII shall remain unchanged and in full force and effect except for the provisions amended herein.

ADOPTED this 12th day of January, 2016, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Hawley	X				
Alderman Poulos			X		
Alderman Vieyra	X				
Alderman Bilotto	X				
Alderman Rita			X		
Alderman Donahue	X				
Alderman Carr	X				
Alderman Slattery	X				
Alderman Ostling	X				
Alderman Pittman	X				
Alderman Johnson			X		
Alderman Frausto	X				
Alderman Thompson	X				
Alderman Johanson	X				
Mayor Vargas					
TOTAL	11		3		

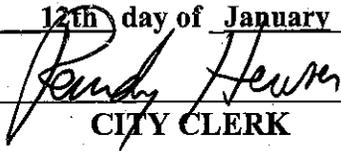
APPROVED by the Mayor on January 12, 2016.



MAYOR OF THE CITY OF BLUE ISLAND,  
COUNTY OF COOK AND STATE OF ILLINOIS

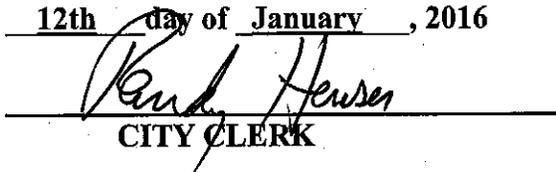
ATTESTED and Filed in my office this

12th day of January, 2016.

  
CITY CLERK

PUBLISHED in pamphlet form this

12th day of January, 2016

  
CITY CLERK

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF COOK     )     ss.

CERTIFICATE

I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

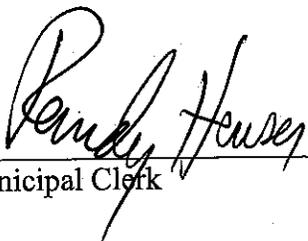
I further certify that on **January 12, 2016** the Corporate Authorities of such municipality passed and approved Ordinance No. **2016 - 001** entitled: **AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE VII OF THE CODE OF ORDINANCES FOR THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2016 - 001** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **January 12, 2016** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **12th** day of **January, 2016.**

(SEAL)

  
\_\_\_\_\_  
Municipal Clerk

**TITLE VII: TRAFFIC CODE**

Chapter

**70. GENERAL PROVISIONS**

**71. TRAFFIC REGULATIONS**

**72. PARKING REGULATIONS**

**73. VEHICLE LICENSING**

**74. BICYCLES**

**75. VEHICLE WEIGHT RESTRICTIONS**

**CHAPTER 70: GENERAL PROVISIONS**

Section

***General Provisions***

- 70.001 Administrative adjudication
- 70.002 Registration plates; display
- 70.003 General definitions
- 70.004 Obedience to police required
- 70.005 Obedience to signs required
- 70.006 Unauthorized signs prohibited
- 70.007 Interference with signs prohibited
- 70.008 Exemptions from title
- 70.009 Issuance of citation in lieu of complaint
- 70.010 Alleged violator may settle
- 70.011 Where payment to be made
- 70.012 Notice to appear
- 70.013 Proof of violation
- 70.014 Amounts for which claim may be settled

***Vehicle Immobilization Program***

- 70.025 Registered owner liability
- 70.026 Hearing
- 70.027 Release of vehicle; fines, penalties and the like
- 70.028 Effective date

***Seizure and Impoundment of Vehicles***

- 70.040 Definitions
- 70.041 Vehicles subject to seizure and impoundment
- 70.042 Seizure and impoundment
- 70.043 Exceptions
- 70.044 Posting a bond
- 70.045 Hearings
- 70.046 Unclaimed vehicles
- 70.047 Liability for penalty and costs
- 70.048 Effective date

***Automated Traffic Law Enforcement Systems***

- 70.060 Findings
- 70.061 Definitions
- 70.062 Locations

- 70.063 Agreement
- 70.064 Traffic Compliance Administrator; duties
- 70.065 Violation notices; citations
- 70.066 Hearings; Defenses
- 70.067 Final determination; determination notice
- 70.068 Petitions
- 70.069 Suspension notices
- 70.070 Non-residents
- 70.071 Effective date
- ~~70.999 Penalty~~

***Towing of Vehicles***

- 70.081 Authorization for towing; abandonment prohibited
- 70.082 Notification required generally; Pre-tow notification
- 70.083 Removal and hauling of vehicles
- 70.084 Police tows; Reports, release of vehicles, payment
- 70.085 Record searches
- 70.086 Identifying and tracing of vehicle ownership
- 70.087 Disposal of hazardous dilapidated motor vehicles
- 70.088 Police reports after vehicle is reclaimed or disposed of
- 70.089 Disposition of proceeds of sale of unclaimed vehicles
- 70.090 Failure to pay fines, charges and costs
- 70.091 Pre-tow and post-tow hearing procedures
- 70.999 Penalty

**GENERAL PROVISIONS**

**70.001 ADMINISTRATIVE ADJUDICATION.**

(A) *Adoption by reference.* The provisions of the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.) governing non-moving violations and non-reportable

### General Provisions

offenses, as now existing or hereafter amended, are hereby adopted by reference and made a part of this section, with the same force and effect as if set forth at length herein, including, but not limited to, the following:

3-112(b)	Failure to transfer title within five days
3-401(a)	No valid registration; no verified application for registration
3-404	No bill of lading or manifest/dispatch record
3-411(a)	Failure to carry registration card or reciprocity permit-second division vehicle
3-413(a)	Improper display of license or registration plates: affixed to front and back
3-413(b)	Improper display of license or registration plates: securely fastened with registration sticker attached
3-413(f)	Operation of vehicle with expired registration plate or sticker
3-416	Failure to notify the Secretary of State of name/address change
3-417(a)	Failure to immediately apply for replacement registration card, plate or sticker
11-1427	Illegal operation of all-terrain vehicle or off-highway motorcycle
11-1419.01	Failure to display Illinois Motor Fuel Tax Identification Card
11-1419.02	Failure to display external Illinois Motor Fuel Tax Identification device
11-1507(a)	Operation of bicycle without lamp and reflector
11-1507.1	Operation of moped without lamp and red rear reflector
12-101(a)	Operation of vehicle with unsafe equipment or missing parts
12-201(a)	Operation of motorcycle without lighted headlamp
12-201(b)	Driving vehicles other than motorcycles without two lighted headlamps and tail lamps when required
12-201(c)	No white rear registration light

12-202(a, b)	Insufficient clearance, identification or side marker lamps and reflectors-second division vehicle
12-203(a)	Failure to use parking lights while vehicle is standing on highway
12-204	Improper lamp or flag on projecting load
12-205	Improper use of lamps on towing and towed vehicles
12-207(a)	Improper use of more than one spot lamp
12-207(b)	Improper use of more than three auxiliary driving lamps
12-208(a)	No stop signal lamp or device
12-209(c)	Defective backup lights
12-210(a)	Failure to dim headlights/auxiliary driving lamps within 500 feet on approach of vehicle from opposite direction
12-210(b)	Failure to dim headlights/auxiliary driving lamps within 300 feet of vehicle in same direction
12-211(a)	Improper lighting on vehicles other than motorcycles: only one headlamp
12-211(b)	Improper use of more than four lighted headlights/auxiliary driving lamps
12-212(a)	Improper use of red light visible from front of vehicle
12-212(b)	Unlawful use of flashing lights
12-215	Unlawful use of oscillating, rotating or flashing lights
12-301	Use of defective brakes
12-401	Unlawful use of metal studded tire
12-405(d)	Use of unsafe tire
12-501(a)	Operation of vehicle without windshield
12-502	Operation of vehicle without rear view mirror
12-503(a)	Obstructed view of windshield or side windows adjacent to driver
12-503(b)	Unlawful application of tinted film to windshield or window(s) adjacent to driver on any vehicles manufactured after 12-31-1981

## Blue Island - Traffic Code

12-503(c)	Obstructed view of any window by stationary or suspended object(s)
12-503(d)	Operation of vehicle without windshield cleaning device; operation of vehicle with view obstructed by snow, ice or moisture
12-503(e)	Obstructed view due to defective condition or repair of any window
12-601(a)	Operation of vehicle with defective horn
12-601(b)	Unlawful possession or use of siren, whistle or bell
12-602	Operation of vehicle with defective or modified exhaust or muffler system; excessive or unusual noises prohibited
12-603(b)	Operation of vehicle without two front seat safety belts on vehicles of 1961 or later model years
12-603.1	Failure of driver or passenger to wear properly adjusted and fastened seat belt
12-604.1	Operation of vehicle with television receiver, monitor or video device positioned in any location or manner other than behind the driver or otherwise not visible to driver
12-606	Operation of tow truck without
(a)	Identifying sign attached on each side
(b)	Required equipment-one broom, shovel, trash can and fire extinguisher
(c)	Removing roadway debris and spreading dirt or sand on oil grease deposits
(d)	Insurance policy in cab
12-607(a)	Operation of vehicle with unlawfully altered vehicle suspension system: body lifted in excess of three inches from chassis
12-607.1(a)	Operation of first division vehicle with frame in excess of 22 inches above ground
12-607.1(b)	Operation of second division vehicle with frame in excess of specified limits above ground
12-608(a)	Operation of vehicle with a gross vehicle weight rating (GVWR) of 9,000 pounds or less or a recreational vehicle without two bumpers
12-608(a)	Operation of vehicle with unlawful bumper

	height
12-610(a)	Operation of vehicle while wearing headset receiver, except intercom helmet or cellular telephone earpiece or headset
12-702(a)	Operation of second division vehicle without carrying flares/warning devices
12-702(c, d, e, f, g)	Failure to use flares/warning devices when second division vehicle is disabled
12-707	Overloaded school bus, commuter van or motor vehicle used for hire
12-711	Operation of garbage truck, roll-off hoist or roll-on container without audible backing warning system
12-806	Failure to cover school bus sign when not being used by school or religious organization who owns bus
12-808	Operating school bus without fire extinguisher
12-809	Operating school bus without first aid kit
12-810	Transporting handicapped passenger(s) without restraining device
13-111	Operation without certificate of valid safety test attached to windshield on second division vehicle
15-105	Projecting loads on passenger vehicle in any excess beyond left fenders or six inches beyond right fenders of first division vehicle
15-106	Failure to fasten protruding component of vehicle
15-108	Failure to plank edge of pavement for any vehicle in excess of 8,000 pounds
15-109(a)	Spilling load on highway
15-109(b)	Operating loading vehicle without securely fastened covering
15-109.1	Operating second division vehicle with load falling, blowing or dropping to highway
15-114	Unlawful pushing or disabled vehicle other than to remove from roadway or remove from immediate hazard
18c-4104	Operation of intrastate or interstate motor carrier without license or registration
18c-4604	Operation without current cab card and

## General Provisions

	Illinois identifier
18c-4701(l)	Operating without trade name, license and registration number of carrier painted or affixed to both doors of power unit

(B) *Issuance and form of notice.* Citations for violations of any of the provisions of the Illinois Vehicle Code adopted by reference herein may be issued by authorized personnel of the city using the appropriate Illinois Vehicle Code section which shall, by the effect of this section, represent identically and specially numbered sections of this section. Reference to ' 1.1 of the ordinance codified herein shall substantially comply with the following format: City of Blue Island Ord. 2014-003, ' 1.1, followed by the applicable Illinois Vehicle Code section number (e.g., No. 2014-003, ' 1.1/IVC 11-501(a).

(C) *Administrative adjudication of violations.* It shall be unlawful for the owner or operator of any vehicle to violate any section of this section, and by reference any section of the Illinois Vehicle Code and any such violator shall be subject to administrative adjudication.

(D) *Effective date.* This section shall be in full force and effect from and after its passage, approval and publication as required by law. A full, true and complete copy of this section shall be published in pamphlet form, by authority of the City Council, as corporate authorities.

(Ord. 2014-003, passed 1-14-2014) Penalty, see ' 70.999

### ' 70.002 REGISTRATION PLATES; DISPLAY.

(A) Whenever the term **MOTOR VEHICLE** is used in this section, it shall mean a self-propelled vehicle, including, but not limited to, automobiles, motorcycles, motor bicycles, motor scooters, motor trucks, truck tractors, all vehicles powered by electrical or mechanical power, but excluding motorized wheelchairs for the disabled.

(B) It shall be unlawful to own or operate any motor vehicle within the limits of the city without being in compliance with Ch. 3 of the Illinois Vehicle Code (625 ILCS 3/100 et seq.), especially as pertains

to the purchase and proper display of current registration plates.

(C) It shall be unlawful to own or operate any motor vehicle within the limits of the city unless the appropriate registration plates are attached, and in the appropriate number and manner pursuant to Ch. 3 of the Illinois Vehicle Code (625 ILCS 3/100 et seq.).

(D) It shall be unlawful to own or operate any motor vehicle within the limits of the city unless it is in compliance with Ch. 3 of the Illinois Vehicle Code (625 ILCS 3/100 et seq.) regarding weights and dimensions.

(E) This section shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this section shall be published in pamphlet form, by authority of the City Council as corporate authorities.

(Ord. 91-284, passed 9-10-1991)

### ' 70.003 GENERAL DEFINITIONS.

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

**ABANDONED VEHICLE.** A vehicle parked or otherwise located on a public-right-of way or parking lot in such state of disrepair that it is incapable of being driven, and appears to have been abandoned; or a vehicle that has been unmoved for a period of at least 24 hours and has no license plates or valid registration, and appears to have been abandoned by its owner; or vehicles parked on private property without consent of the lot owner, proprietor or agent of the property, which person has requested that the vehicle be towed.

**ALLEY.** A narrow street between two property lines, one or both of which property lines are ordinarily at the rear of properties fronting on streets having a greater width.

**AUTHORIZED EMERGENCY VEHICLE.** Vehicles of the Fire Department (fire patrol), police vehicles and such ambulances and emergency vehicles

## Blue Island - Traffic Code

of municipal departments as are designated or authorized by the City Council, and emergency vehicles of other governmental units.

**BICYCLE.** A light, two-wheel device, having wheels 20 inches or greater in diameter with tires, propelled by human power.

**BUSINESS DISTRICT.** The territory contiguous to and including a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

### **CROSSWALK.**

(1) The portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

(2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**DRIVER.** Every person who drives or is in actual physical control of a vehicle.

**HAZARDOUS VEHICLE.** A vehicle that has been involved in an accident and is disabled or cannot be immediately moved by the owner or operator of the vehicle; or a vehicle that presents an immediate danger to the health or welfare of the members of the public; or a vehicle abandoned or disabled on a public street or public way, that is impeding the orderly flow of traffic or poses a potential danger to pedestrians and other operators of vehicles; or a vehicle impeding municipal snow removal from a public street, alley, way or parking lot.

**INTERSECTION.** The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

**LOADING ZONE.** The space in the roadway adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers

or materials.

**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.

### **OFFICIAL TRAFFIC-CONTROL DEVICES.**

All signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

**OFFICIAL TRAFFIC SIGNALS.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

**OFFICIAL TRAFFIC SIGNS.** Any device, marker, signal or sign warning or regulating traffic, indicating crosswalks, safety zones, traffic lanes, regulating or restricting turns, indicating methods of turns, zones of quiet, play streets, loading zones, carrier stands, parking limitations, stop signs, speed regulatory signs, placed or erected by authority of the City Council, or by an official of the city, who has jurisdiction, is hereby declared to be an official traffic sign.

**PARK.** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

**PARKWAY.** The part of a street or highway, on each side of the pavement or roadway thereof, lying between the outer edge of the pavement or roadway and the property lines bounding the street.

**PEDESTRIAN.** Any person afoot.

**POLICE OFFICER.** Every officer of the City Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**PRIVATE ROAD OR DRIVEWAY.** Every way or place in private ownership and used for vehicular travel by the owner and those having express or

## General Provisions

implied permission from the owner, but not by other persons.

**RAILROAD.** A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

**RAILROAD TRAINS.** A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

**RESIDENCE DISTRICT.** The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residence or residences and buildings not in use for business.

**RIGHT-OF-WAY.** The privilege of the immediate use of the roadway.

**ROADWAY.** That portion of a street, improved, designed or ordinarily set for vehicular travel.

**SAFETY ZONE.** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**SIDEWALK.** The 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.

**STANDING.** Any stopping of a vehicle, whether occupied or not.

**STOP or STOPPING.** When required, means complete cessation of movement. When prohibited, means any stopping of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

**STREET or HIGHWAY.** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of

vehicular traffic.

**THROUGH STREET.** Any specially designated street at which all traffic, except authorized emergency vehicles, is required to stop before entering or crossing.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any street for purposes of travel.

**UNLAWFUL VEHICLE.** A vehicle that has been reported stolen or is the subject of a search and seizure by the police department; or a vehicle parked in violation of state statutes, local ordinances or other applicable laws which prohibit parking at the location in question or for the period of time for which the vehicle has been parked, and where either the statute or ordinance authorize the vehicle to be towed, and the signs posted at the general location not that fact.

**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.

(1991 Code, ' 70.01)

### ' 70.004 OBEDIENCE TO POLICE REQUIRED.

Members of the Police Department are authorized to direct all traffic in accordance with the provisions of this traffic code, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a police officer, except in case of emergency. It shall be unlawful for any person not authorized by the Chief of Police to direct or attempt to direct traffic.

## Blue Island - Traffic Code

(1991 Code, ' 70.02) (Ord. 1524, passed 9-29-1942)  
Penalty, see ' 70.999

**' 70.005 OBEDIENCE TO SIGNS REQUIRED.**

No driver of any vehicle shall disobey the instructions of any traffic sign placed in view by authority of this traffic code or in accordance with the laws of the state.

(1991 Code, ' 70.03) (Ord. 1524, passed 9-29-1942)  
Penalty, see ' 70.999

**' 70.006 UNAUTHORIZED SIGNS PROHIBITED.**

No person shall place, maintain or display any device, other than an official warning or direction sign or signal authorized by statute or ordinance, upon or in view of any street, if such device purports to be, or is in imitation of, an official warning or direction sign or signal, or directs or purports to direct the movement of traffic. Any such unauthorized device is declared to be a nuisance and shall may be removed by any police officer.

(1991 Code, ' 70.04) (Ord. 1524, passed 9-29-1942)  
Penalty, see ' 70.999

**' 70.007 INTERFERENCE WITH SIGNS PROHIBITED.**

No person shall deface, injure, move or interfere with any official traffic sign or signal.

(1991 Code, ' 70.05) (Ord. 1524, passed 9-29-1942)  
Penalty, see ' 70.999

**' 70.008 EXEMPTIONS FROM TITLE.**

The provisions of this traffic code regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties. Nor shall such provisions apply to persons actually engaged in repairing or otherwise improving the streets under authority of the City Council or the state.

(1991 Code, ' 70.06) (Ord. 1524, passed 9-29-1942)

**' 70.009 RESERVED ISSUANCE OF CITATION IN LIEU OF COMPLAINT.**

~~(A) A peace officer is authorized to arrest a person without a warrant because of a violation of an ordinance in respect to any of the following subjects:~~

~~(1) Prohibiting the parking of a vehicle in a designated area;~~

~~(2) Restricting the length of time a vehicle may be parked; and~~

~~(3) Requiring the purchase and display of a vehicle sticker.~~

~~(B) A peace officer may, in lieu of the filing of a complaint in court, in the first instance issue to the alleged violator a citation advising the person that they have violated a specified section and requesting the person to make payment in any amount applicable to the alleged violation as set forth in ' 70.014 of this chapter as settlement of the violation claimed and informing such person that upon failure to so settle, a complaint will be filed in the Circuit Court of the county charging them with such violations.  
(1991 Code, ' 70.07) (Ord. 2013, passed 10-10-1966)~~

**' 70.010 RESERVED ALLEGED VIOLATOR MAY SETTLE.**

~~Pursuant to a citation, the person so accused of such violation may settle and compromise the violation claim in respect of such violation by paying, to the municipality the applicable amount as shown in the schedule set forth in ' 70.014 of this chapter, within a period to be specified in the citation, not more than seven days of the time the alleged offense was committed.~~

~~(1991 Code, ' 70.08) (Ord. 2013, passed 10-10-1966)~~

**' 70.011 WHERE PAYMENT TO BE MADE. RESERVED**

## General Provisions

The payment shall be made in accordance with the instructions contained in the citation at the office of the Police Department who shall issue a receipt for the money so received and promptly remit the amount to the City Treasurer to be credited to the proper municipal fund.

(1991 Code, ' 70.09) (Ord. 2013, passed 10-10-1966)

### ' 70.012 NOTICE TO APPEAR. RESERVED

In the event that the person to whom a citation is issued fails to settle and pay the violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served), then the peace officer is authorized to cause a notice to appear to be served upon the alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of the county.

(1991 Code, ' 70.10) (Ord. 2013, passed 10-10-1966)

### ' 70.013 PROOF OF VIOLATION.

The fact that an automobile or motor vehicle which is illegally operated or parked is registered with the Secretary of State in the name of the alleged violator; or, in the alternative, the fact that a vehicle sticker issued by a municipality has been issued in the name of and to the alleged violator, shall be considered prima facie proof that such alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of the alleged violation.

(1991 Code, ' 70.11) (Ord. 2013, passed 10-10-1966)

### ' 70.014 AMOUNTS FOR WHICH CLAIM MAY BE SETTLED. RESERVED

The claim described in said citation so to be issued pursuant to the terms of this chapter, may be settled, compromised and paid in the respective amounts set forth in the following schedule:

(A) In the event that said payment is made prior to the mailing by the municipality or by the peace officer of a final notice, the following amounts shall be accepted as settlement:

Improper parking	\$10
No vehicle sticker	\$15
Unmetered overtime parking	\$10

(B) In the event that payment has not been made prior to the mailing of such final notice and, in fact, final notice has been mailed, the following amounts shall be accepted as settlement:

Improper parking	\$15
No vehicle sticker	\$20
Unmetered overtime parking	\$15

(C) In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the Circuit Court of Cook County, payment of any fine and costs shall be in such amount as may be determined by the court.

(1991 Code, ' 70.12) (Ord. 2013, passed 10-10-1966; Ord. 2607, passed 2-22-1983)

## VEHICLE IMMOBILIZATION PROGRAM

### ' 70.025 REGISTERED OWNER LIABILITY.

Any and all motor vehicles that are registered to an owner who has ~~whose registered owner has been~~ determined to be liable for five or more unpaid final determinations of vehicular standing, parking, compliance or automated traffic law enforcement violations may be immobilized, towed and impounded, regardless of whether the immobilized or impounded vehicle was the vehicle used in the violation, provided a pre-immobilization/tow notice

**Blue Island - Traffic Code**

has been sent to the vehicle's registered owner and the owner has not requested a hearing concerning the notice as set forth below.

(1) (a) The pre-immobilization/tow notice shall include the following information:

1. A final determination has been made on five or more vehicular standing or parking regulation violations, the fines and penalties for which remain unpaid;

2. The violation notice numbers, dates of issuance and total amount of each unpaid violation; and

3. Notification that any motor vehicle owned by the person found liable is subject to immobilization, towing and impoundment if the fines and penalties are not paid within 14 days of the date of the notice.

(b) The person determined liable may contest the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, compliance or automated traffic law violations listed on the notice.

(c) A hearing to contest the notice's validity can be requested by submitting a request for hearing to the Traffic Compliance Administrator within 14 days of the date of the notice. The request for hearing shall be deemed filed upon receipt by the Traffic Compliance Administrator.

(2) Upon receipt of a pre-immobilization/tow hearing request, the Traffic Compliance Administrator shall schedule a hearing to allow the registered owner to contest the notice validity. The hearing shall be at least seven days after receipt of the hearing request. Notice of the hearing shall be sent by first class mail, postage paid, to the address as set forth on the hearing request. Service of the notice shall be complete on the date it is placed in the United States mail.

(3) If, after the hearing, the Traffic Compliance Administrator determines that the registered owner is not liable for one or more of the unpaid final determinations cited in the notice and this finding results in reducing the number of unpaid final determinations below five, the vehicle in question shall not be immobilized, towed and impounded based upon the violations stated in the notice. If, however, the Traffic Compliance Administrator determines that the registered owner is liable for five or more of the unpaid final determinations cited in the notice, the vehicle in question shall be subject to immobilization, towing and impoundment.

(Ord. 2013-238, passed 7-23-2013)

**70.026 HEARING.**

(A) The registered owner of a vehicle immobilized, towed or impounded under this subchapter shall have the right to a prompt hearing without the requirement of payment of outstanding fines and penalties for which final determinations have been made.

(B) (1) When the vehicle is immobilized, the Police Department shall place a notice on the vehicle advising the owner of his or her right to a hearing to contest the validity of the immobilization. If the vehicle is subsequently towed or impounded, the Traffic Compliance Administrator shall mail a post-immobilization/tow notice to the vehicle registered owner including the following information:

(a) Date of immobilization, towing and/or impoundment;

(b) Location of vehicle; and

(c) The vehicle was immobilized under this section for five or more unpaid final determinations of vehicular standing, parking, compliance or automated traffic law enforcement violations.

(2) The registered owner may contest the validity of the immobilization/tow by disproving liability for the unpaid final determinations of parking, standing, compliance or automated traffic law

## General Provisions

violations listed on the notice.

(3) A hearing to contest the validity of the vehicle immobilization/tow can be requested by submitting a written request for hearing to the traffic compliance administrator within 14 days of the vehicle immobilization or impoundment, whichever is later. The request for hearing shall be deemed filed upon receipt by the Traffic Compliance Administrator.

(C) Upon receipt of a post-immobilization/tow hearing request, the Traffic Compliance Administrator shall schedule a hearing no later than the next regularly scheduled monthly administrative adjudication or parking/compliance hearing date. Notice of the hearing shall be sent by first class mail, postage paid, to the address as set forth on the hearing request. Service of the notice shall be complete on the date it is placed in the United States mail.

(D) If, after the hearing, the Traffic Compliance Administrator determines that the registered owner is not liable for five or more of the unpaid final determinations that provided the basis for the immobilization/tow, the vehicle in question shall be released to the owner and no immobilization, towing or storage fees shall be due. If, however, the Traffic Compliance Administrator determines that the registered owner is liable for five or more of the unpaid final determinations cited in the notice, the vehicle in question shall not be released until all fines, penalties, immobilization, towing and storage charges are paid.

(E) An order entered after the hearing to contest the validity of the immobilization, tow or impoundment is a final administrative decision within the meaning of ' 3-101 of the Illinois Code of Civil Procedure (735 ILCS 5/3-101).  
(Ord. 2013-238, passed 7-23-2013)

### ' 70.027 RELEASE OF VEHICLE; FINES, PENALTIES AND THE LIKE.

If no post-impound/tow hearing is requested, the vehicle in question shall be released to the registered owner only after all fines, penalties, immobilization, towing and storage charges are paid.  
(Ord. 2013-238, passed 7-23-2013)

### ' 70.028 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this subchapter shall be published in pamphlet form, by authority of the City Council as corporate authorities.  
(Ord. 2013-238, passed 7-23-2013)

## *SEIZURE AND IMPOUNDMENT OF VEHICLES*

### ' 70.040 DEFINITIONS.

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

**AGGRAVATED ASSAULT** and **AGGRAVATED BATTERY.** A violation of 720 ILCS 5/12-2 and 720 ILCS 5/12-3.05, respectively.

**ARMED ROBBERY.** A violation of 720 ILCS 5/18-2.

**BURGLARY** and **RESIDENTIAL BURGLARY.** A violation of 720 ILCS 5/19-1 and 720 ILCS 5/19-3, respectively.

**CONTROLLED SUBSTANCE.** Any substance as defined and included in the schedules contained in Art. II of the State Controlled Substance Act (720 ILCS 570/101 et seq.), as amended from time to time, and cannabis as defined in §3 of the Cannabis Control Act (720 ILCS 550/3), as amended from time to time.

**CRIMINAL DAMAGE TO PROPERTY.** A violation of 720 ILCS 5/21-1.

**DRIVING UNDER THE INFLUENCE.** Any violation as defined in ' 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), as amended.

**Blue Island - Traffic Code**

**DRIVING WHILE LICENSE, PERMIT OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS SUSPENDED OR REVOKED.** Any violation as defined in 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as amended.

**DRUG PARAPHERNALIA.** Any equipment, product and/or materials as defined in §2 of the Drug Paraphernalia Act (720 ILCS 600/2).

**HEARING OFFICER.** A licensed attorney who is not an officer.

**OPERATION OF MOTOR VEHICLE WITHOUT A VALID DRIVERS LICENSE.** A violation of 6-101 and/or 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-101 and 625 ILCS 5/6-303), as amended from time to time, where the driver license or driving privileges have been suspended, revoked, canceled, never obtained or previously had been obtained and have been expired for not less than six months.

**OWNER OF RECORD.** The record titleholder to a motor vehicle.

**RETAIL THEFT.** A violation of 720 ILCS 5/16A-3.

**UNLAWFUL USE OF WEAPONS.** A violation of 24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1), as amended.  
(Ord. 07-112, passed 12-11-2007)

**' 70.041 VEHICLES SUBJECT TO SEIZURE AND IMPOUNDMENT.**

A motor vehicle shall be subject to seizure and impoundment under this subchapter where such motor vehicle is used in the commission of any of the following:

(A) The possession or delivery of a controlled substance or drug paraphernalia;

(B) Driving while under the influence;

(C) Driving while license, permit or privilege to operate a motor vehicle is suspended or revoked except a person whose driver license, permit or privilege to operate a motor vehicle is suspended only for a violation of the Emissions Inspection Law, 625 ILCS 5/13 et seq.;

(D) Operation of a motor vehicle without a valid driver license;

(E) The unlawful use of weapons;

(F) Retail theft, when the value of the merchandise exceeds \$150; and

(G) Aggravated assault, aggravated battery, armed robbery, burglary, residential burglary and criminal damage to property.

(H) Any other offense under Illinois law, currently delineated and as amended from time to time, for which seizure and impoundment are permitted or mandated.

(Ord. 07-112, passed 12-11-2007)

**' 70.042 SEIZURE AND IMPOUNDMENT.**

Whenever a police officer has probable cause to believe that vehicle is subject to seizure and impoundment pursuant to this chapter, and none of the circumstances delineated in 70.043 of this chapter are present, the police officer shall cause the motor vehicle to be towed to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify any person identifying himself or herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing as provided in the subchapter.  
(Ord. 07-112, passed 12-11-2007)

**' 70.043 EXCEPTIONS.**

(A) Where a motor vehicle is subject to seizure and impoundment pursuant to this subchapter, a police officer shall cause the motor vehicle to be seized and

## General Provisions

impounded, unless:

(1) The owner or operator of the motor vehicle furnishes proof of valid, current motor vehicle insurance and the owner of the motor vehicle, who was not operating the motor vehicle at the time of the traffic stop nor involved in the commission of any of the crimes specified in ' 70.041 of this chapter, appears on the scene of the traffic stop within 15 minutes, furnishes a current, valid driver license and is willing to and capable of safely and lawfully removing the motor vehicle; or

(2) The owner/operator of the motor vehicle furnishes proof of valid, current insurance, the operator has a passenger with a current, valid driver license in the motor vehicle, and the owner/operator of the vehicle executes an indemnification agreement, holding the city harmless for releasing the motor vehicle into the custody of said passenger, who is willing to and capable of safely and lawfully removing the motor vehicle.

(B) In such cases, the police officer is vested with discretion to determine if, under the totality of the circumstances, the motor vehicle is capable of being operated in a safe manner by either a properly-licensed owner of the motor vehicle or a properly-licensed passenger where the owner indemnifies the city for any damages resulting from the release of the motor vehicle to a properly-licensed passenger within said motor vehicle. If the police officer so concludes, then a motor vehicle shall not be impounded, but rather be released into the custody of the owner or passenger in accordance with the regulations and procedures specified herein.

(Ord. 07-112, passed 12-11-2007)

### ' 70.044 POSTING A BOND.

If a bond in the amount of \$500 is posted with the city, the impounded vehicle shall be released to the owner of record, upon the payment by the owner of record of the towing and storage costs. If a penalty is imposed for a violation of this subchapter, the bond will be forfeited to the city provided, in the event that a violation of this subchapter is not proven, the bond shall be returned to the person posting the bond. All

bond money posted pursuant to this subchapter shall be held by the city until the Hearing Officer issues a decision or, if there is a judicial review, until a reviewing court issues a final decision.

(Ord. 07-112, passed 12-11-2007)

### ' 70.045 HEARINGS.

#### (A) *Preliminary hearings.*

(1) Where the owner of a motor vehicle seized under the provisions of the subchapter requests a preliminary hearing within 12 hours after the seizure of the motor vehicle, the watch commander or any supervising officer must conduct a preliminary hearing within 24 hours after the request for a preliminary hearing is received by the city; provided that, if the date for the hearing falls on a Saturday, Sunday or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday.

(2) For purposes of this section, the following shall apply.

(a) All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing.

(b) The formal rules of evidence shall not apply at the hearing, and hearsay testimony will be allowed and shall be admissible.

(c) If, after the conclusion of the hearing, the watch commander or supervising officer determines that there is probable cause to believe that the vehicle was used as hereinabove provided in ' 70.041 of this chapter and that no driver fulfilling all of the criteria set forth in ' 70.042 of this chapter was available to remove the motor vehicle from the scene of the traffic stop, the watch commander or supervising officer shall order the continued impoundment of the vehicles, unless the owner of the vehicle posts a cash bond with the city in the amount of \$500, plus the towing and storage costs.

## Blue Island - Traffic Code

(d) If the watch commander or supervising officer determines that there is not probable cause to believe that the vehicle was used as hereinabove provided in ' 70.041 of this chapter, or that an alternative driver fulfilling all of the criteria set forth in ' 70.042 of this chapter was available to safely remove the motor vehicle from the scene of the traffic stop, then the motor vehicle shall be returned to the owner of record of the vehicle without any penalty or other costs.

### (B) *Final hearing.*

(1) *Notice of hearing.* Within 45 days after a motor vehicle is seized and impounded pursuant to this subchapter, the city shall notify the owner of record of the vehicle of the date, time and location of a final hearing. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. Notice by certified mail need not be given when the owner of the vehicle has been personally served with notice in written form of the time, date and location of the hearing.

(2) *Requesting a hearing.* A person whose vehicle is seized pursuant to this subchapter may apply for a hearing to assert that he or she or the person driving the vehicle was not in violation of this subchapter at the time the vehicle was seized. The application for a hearing shall be made no later than seven days after notice has been given either personally or by certified mail, whichever is applicable in the given circumstance. The application to request a hearing shall be provided by the city at the time notice is given. The bond shall be forfeited in the event a hearing is not requested as provided for in this section. After an application for hearing is received by the city, a subsequent notice shall be sent to the person that requested the hearing notifying that person of the date, time and location of the hearing.

(3) *Hearing.* For purposes of this section, the following shall apply at an owner's final hearing.

(a) Unless continued by order of the Hearing Officer, the hearing shall be held within 60 days after the motor vehicle was seized.

(b) All interested persons shall be given a reasonable opportunity to be heard at the hearing.

(c) If, after the conclusion of the hearing, the Hearing Officer determines by a preponderance of the evidence that the vehicle was used as hereinabove provided in ' 70.041 of this chapter and that no driver fulfilling all of the criteria set forth in ' 70.042 of this chapter was available to remove the motor vehicle from the scene of the traffic stop, the Hearing Officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the city a penalty in the amount of \$500, plus the towing and storage costs. The penalty and costs shall be a debt to the city.

(d) If the owner of record fails to appear at the hearing, the Hearing Officer shall enter an order of default in favor of the city, which order shall require the payment to the city of an administrative penalty of \$500.

(e) If the Hearing Officer determines that the vehicle was not used as provided in ' 70.041 of this chapter, or that such vehicle was so used but that a driver fulfilling all of the criteria set forth in ' 70.042 of this chapter would have been available to safely remove the motor vehicle from the scene of the traffic stop, then the motor vehicle shall be returned to the owner of record of the vehicle without any penalty or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.  
(Ord. 07-112, passed 12-11-2007)

### ' 70.046 UNCLAIMED VEHICLES.

(A) Any motor vehicle that is not claimed within 30 days after the expiration of time in which the owner of record may seek judicial review of the action of the city under this subchapter, or the time at which a final judgment is rendered in favor of the city by a court of proper jurisdiction, or the time at which a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an abandoned or unclaimed vehicle, as otherwise provided by law.

## General Provisions

(B) If the penalty and towing and storage costs are not paid within 80 days after a penalty is imposed pursuant to this subchapter, the vehicle shall be deemed to be abandoned and may be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles, unless a petition for judicial review is filed with a court of proper jurisdiction. Where a petition for judicial review of the Hearing Officer's determination is filed and pending in a court of proper jurisdiction, the vehicle shall not be deemed to be abandoned and shall not be sold. If the petition for judicial review is resolved in favor of the city, the vehicle shall be deemed abandoned and may be disposed of by the city if the penalty and towing and storage costs are not paid within 30 days after the date of the court order.

(Ord. 07-112, passed 12-11-2007)

### 70.047 LIABILITY FOR PENALTY AND COSTS.

(A) The owner of record of a motor vehicle that is seized or impounded shall be liable to the city for a penalty and administrative fee of \$500 in addition to any fees for the towing and storage of the motor vehicle.

(B) Fees for towing and storage are established by the towing company and not by the city, except where the motor vehicle is stored on city property, in which case the storage cost shall be established by the City Administrator or Chief of Police.

(C) A vehicle impounded pursuant to this subchapter shall remain impounded until the earlier of the following events occurs:

(1) The penalty is paid to the city, and all towing and storage costs are paid to the towing company;

(2) A bond in amount equal to the liability of the owner as herein provided in division (A) above is posted with the city and all applicable towing and storage costs are paid to the towing company;

(3) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles; and

(4) Except as otherwise specifically provided by law, no owner, lien holder or any other person shall be legally entitled to take possession of a motor vehicle impounded under this subchapter until the penalty and all towing and storage costs applicable under this subchapter have been paid in full.

(Ord. 07-112, passed 12-11-2007)

### 70.048 EFFECTIVE DATE.

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

(Ord. 07-112, passed 12-11-2007)

## *AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS*

### 70.060 FINDINGS.

(A) Pursuant to the Illinois Vehicle Code, as recently amended by Public Act 94-0795, municipalities in the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair and Will are authorized to provide by ordinance for automated traffic law enforcement systems, as that term is defined in 11-208.6 of the Vehicle Code.

(B) Establishing automated traffic law enforcement systems at specified intersections in the city at which traffic is controlled by signals exhibiting different colored lights or color lighted arrows will benefit the public health, safety and welfare by deterring drivers from entering those intersections in violation of red light signals, thereby decreasing the potential for personal injury and property damage due to vehicle collisions caused by red light violations.

## Blue Island - Traffic Code

(C) It is therefore in the best interests of the city to establish automated traffic law enforcement systems and to provide for administrative adjudication of automated traffic law violations as specified in this subchapter.

(Ord. 07-060, passed 2-27-2007)

### ' 70.061 DEFINITIONS.

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

**ADMINISTRATOR.** The city's Traffic-control Administrator.

**AUTOMATED TRAFFIC LAW VIOLATION.** A violation described in ' 11-208.6 of the Code.

**AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM.** A device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red light signal in violation of ' 11-306 of the Code or a similar provision of a city ordinance.

**CERTIFIED REPORT.** A report concerning five or more unpaid fines or penalties for automated traffic law violations made by the city to the Secretary in accordance with ' 6-306.5 of the Code.

**CITY.** The City of Blue Island, Cook County, Illinois.

**CODE.** The Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.

**DETERMINATION NOTICE.** A notice of final determination of automated traffic law violation liability issued pursuant to ' 11-208.3 of the Code and pursuant to the provisions of this subchapter.

**DISREGARDING TRAFFIC CONTROL DEVICE.** Failure to stop and remain stopped before

an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code.

**NO TURN ON RED.** Where the motor vehicle comes to a complete stop and does not enter the intersection as defined by Section 1-132 of the Code, during the cycle of the red signal indication unless one or more pedestrians are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of the Code or this Ordinance.

**RECORDED IMAGES.** Images produced by the automated traffic law enforcement system, showing the time, date and location of an automated traffic law violation, and which consist of either 2 or more photographs; 2 or more microphotographs; 2 or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

~~**RECORDED IMAGES.** Images showing the time, date and location of an automated traffic law violation recorded by an automated traffic law enforcement system on:~~

~~(1) Two or more photographs;~~

~~(2) Two or more microphotographs;~~

~~(3) Two or more electronic images; or~~

~~(4) A video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.~~

**SECRETARY.** The Illinois Secretary of State.

**SUSPENSION NOTICE.** A notice of impending driver license suspension issued pursuant to ' 11-208.3 of the Code and pursuant to the provisions of this subchapter.

**SYSTEM.** Individually, an automated traffic law enforcement system or, collectively, automated traffic law enforcement systems established in the city

## General Provisions

pursuant to this subchapter.

**VIOLATION.** Any violation of the Illinois Motor Vehicle Code or any local ordinance including but not limited to disregard a traffic control device or turn on red in violation of Section 11-306 of the Illinois Motor Vehicle Code.”

**VIOLATION NOTICE.** An automated traffic law violation notice issued pursuant to ' 11-208.3 and 11-208.6 of the Code and pursuant to the provisions of this subchapter.  
(Ord. 07-060, passed 2-27-2007)

### ' 70.062 LOCATIONS.

The city hereby determines to establish systems at the following intersections located within the corporate limits of the city providing the traffic studies are completed and warrant establishment of the system.

119th Street and Vincennes Avenue
119th Street and Western Avenue
123rd Street and Western Avenue
127th Street and Gregory Street
127th Street and Kedzie Avenue
127th Street and Maple Avenue
127th Street and Vincennes Avenue
127th Street and Western Avenue
127th Street and Wood Street
Vermont Street and Ashland Avenue
Vermont Street and Western Avenue
Vermont Street and Francisco Avenue

(Ord. 07-060, passed 2-27-2007)

### ' 70.063 AGREEMENT.

On 2-13-2007, the City Council authorized the

~~Mayor to enter into the agreement attached to the ordinance codified herein as Group Exhibit A and incorporated herein by reference (collectively, the Agreement), with Traffipax, Inc. (ATraffipax) for the design and implementation of the system(s) and for services related to the system(s). The agreement is hereby ratified and approved.  
(Ord. 07-060, passed 2-27-2007)~~

The City shall, at the recommendation of the Mayor or designee, identify and contract with an appropriate agency for the design, implementation, and provision of services related to the automated traffic law enforcement system utilized by the City. Such agreement shall be approved by city council

### ' 70.064 TRAFFIC CONTROL ADMINISTRATOR; DUTIES.

~~There is hereby established the office of Administrator, which shall be filled by appointment of the Mayor. The Traffic Control Administrator, or his or her designee who shall be a law enforcement officer or retired officer employed or retained by the City, shall be authorized to adopt, distribute and process violation notices and other notices required by ' 11-208.3 of the Code, collect money paid as fines and penalties for automated traffic law violations and operate an administrative adjudication system for automated traffic law violations. The Administrator is also authorized to make a certified report to the Secretary pursuant to ' 6-306.5 of the Code, and any such certified report shall contain the information required under ' 6-306.5(c) of the Code.  
(Ord. 07-060, passed 2-27-2007)~~

### ' 70.065 VIOLATION NOTICES; CITATIONS.

~~(A) A violation notice, the contents of which shall comply with the requirements of ' 11-208.3 and 11-208.6 of the Code, as amended, shall be served by mail to the address of the registered owner of a vehicle cited for an automated traffic law violation as recorded with the Secretary within 30 days after the Secretary notifies the city of the identity of the owner~~

## Blue Island - Traffic Code

~~of the vehicle, but in no event later than 90 days after the violation. Service of a violation notice shall be deemed complete as of the date of deposit in the United States mail. The original or a facsimile of a violation notice or, in the case of a violation notice produced by a computerized device, a printed record generated by the device showing the facts entered on the violation notice, shall be retained by the Administrator, and shall be a record kept in the ordinary course of business. A violation notice issued, signed and served in accordance with this subchapter and 11-208.3 of the Code, a copy of the violation notice or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the violation notice. The violation notice, copy or computer generated record shall be admissible in any subsequent administrative or legal proceedings.~~

(A) When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 14.261, the City shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the Illinois Secretary of State notifies the City of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The City shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

(B) A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Control Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of Section 14.261, or whether one of the defenses enumerated in Section 14.262 is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served

upon the registered vehicle owner in the manner provided for above. The Traffic Control Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in this Article.

The Notice of Violation shall include the following information:

1. the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
2. the make (only if discernable) and registration number of the motor vehicle involved in the violation;
3. the violation charged;
4. the location where the violation occurred;
5. the date and time of the violation;
6. a copy of the recorded images;
7. the amount of the civil penalty and the date by which the penalty should be paid (14 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
8. a statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
9. the amount of the late fee;
10. a statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
11. a statement that the recorded images constitute prima facie evidence of a violation;
12. a statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and
13. a statement of how an administrative hearing may be requested."

~~(B) Before a citation may be issued for any~~

## General Provisions

~~automated traffic law violation, a determination must be made by a technician employed or contracted by the city that, based on inspection of recorded images generated by the system, the motor vehicle was being operated in violation of ' 11-208.6 of the Code or an ordinance of the city. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. (Ord. 07-060, passed 2-27-2007)~~

(C) It shall be a violation of this Article for a vehicle to disregard a traffic control device or turn on red in violation of Section 11-306 of the Code.

(D) A determination of Automated Traffic Law Violation liability shall occur following failure to pay the fine or penalty, or to contest the alleged violation within fourteen (14) days of the Notice of Violation. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the Hearing Officer will enter Findings, Decision and Order's determination of Automated Traffic Law Violation Liability which shall become final: (a) upon denial of a timely petition to set aside that determination, or (b) upon expiration of the period for filing such a petition without a filing having been made. If a person appears at a hearing and is found liable or contests the Violation by mail and is found liable, the Hearing Officer will enter Findings, Decision and Order, which is a final determination of Automated Traffic Law Violation Liability that is a final, appealable order.

### ' 70.066 HEARINGS; DEFENSES.

~~The registered owner of the vehicle cited in a violation notice shall have the opportunity for a hearing in which said owner may contest the merits of the alleged violation. The lessee of a vehicle cited in a violation notice likewise shall be afforded the opportunity for a hearing of the same kind afforded the registered owner. The formal or technical rules of evidence shall not apply at any such hearing. Such hearings shall be recorded, and the person conducting the hearing on behalf of the Administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and~~

~~papers. Persons appearing at such a hearing may be represented by counsel at their own expense. (Ord. 07-060, passed 2-27-2007)~~

(A) The owner of a vehicle being operated in violation of Section 14.261 may request a hearing by the respond-by date on the Notice of Violation (14 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of Section 14.261. The Notice of Violation shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 14.262.

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

(B) The following may be considered defenses by the Hearing Officer for a violation as defined herein:

1. that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation (to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner).

2. that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession.

### ' 70.067 FINAL DETERMINATION; DETERMINATION NOTICE.

~~(A) A final determination of automated traffic law violation liability shall occur following failure to pay the fine or penalty after a Hearing Officer's determination of violation liability. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior~~

## Blue Island - Traffic Code

~~mailed notice, the Hearing Officer's determination of violation liability shall become final:~~

~~(1) Upon denial of a timely petition to set aside that determination; or~~

~~(2) Upon expiration of the period for filing such a petition without a filing having been made.~~

~~(B) — A determination notice, the contents of which shall comply with the requirements of ' 11-208.3 of the Code, as amended, shall be sent following a final determination of automated traffic law violation liability and the conclusion of judicial review procedures taken under ' 11-208.3 of the Code. A determination notice shall be sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database or, under ' 11-1306 of the Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office database. Service of the determination notice shall be deemed complete as of the date of deposit in the United States mail.~~

~~(Ord. 07-060, passed 2-27-2007)~~

(A) A final determination of an automated traffic law violation(s) liability shall occur:

1. Following the failure to pay the total assessed fine or penalty after the hearing officer's determination of vehicular standing, parking, compliance regulation or automated traffic law violation(s) liability within the required 25 days and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth, or

2. Where a person fails to appear at a prior requested administrative hearing provided to contest the alleged standing, parking or compliance regulation violation(s) on the date and at the time and place specified in a prior served or mailed notice, or fails to appear at the hearing for an automated traffic law violation on the date and at the time and place specified

in a prior mailed notice. The hearing officer's determination of vehicular standing, parking, compliance regulation or automated traffic law violation(s) liability shall become final upon the exhaustion of or the failure to exhaust any administrative or judicial review procedures hereinafter set forth:

(a) Upon denial of a timely petition to set aside that determination, or

(b) Upon the expiration of the period for filing a petition without a filing having been made.

(B) A determination of Automated Traffic Law Violation liability shall occur following failure to pay the fine or penalty, or to contest the alleged violation within fourteen (14) days of the Notice of Violation. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the Hearing Officer will enter Findings, Decision and Order's determination of Automated Traffic Law Violation Liability which shall become final: (a) upon denial of a timely petition to set aside that determination, or (b) upon expiration of the period for filing such a petition without a filing having been made. If a person appears at a hearing and is found liable or contests the Violation by mail and is found liable, the Hearing Officer will enter Findings, Decision and Order, which is a final determination of Automated Traffic Law Violation Liability that is a final, appealable order.

(C) A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. Service of said notice shall be deemed complete upon deposit in the United States mail. The Notice of Final Determination shall include the following information:

1. a statement that the unpaid fine is a debt due and owing to the City of Blue Island and

2. a warning that a failure to pay any fine due and owing to the City of Blue Island within 14 days may result in a petition to the Circuit Court of Cook County to have the unpaid fine rendered as a judgment or may result in the suspension of the person's driver's license for failure to pay fines or penalties for 5 or more violation under this Article.

## General Provisions

### 70.068 PETITIONS.

(A) A person owing an unpaid fine or penalty for automated traffic law violation penalty may file a petition to set aside a final determination of such liability within ~~ten-fourteen (14) days~~ after service by the city of a determination of liability notice. ~~Such a petition shall be filed by sending the same, together with any documentation in support thereof, to the Administrator by certified mail, return receipt requested, or by personal delivery to the Administrator.~~

(B) The grounds for such a petition shall be limited to:

(1) The person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued;

(2) The person having already paid the fine or penalty for the violation in question; and

(3) Excusable failure to appear at or request a new date for a hearing.

~~(C) A hearing on such a petition shall be held within 30 days after the filing of same. In the event that such a petition is granted upon a showing of just cause, and the subject determination of automated traffic law violation liability is thereby set aside, the registered owner shall be provided with a hearing on the merits for that violation.~~

(C) Upon receipt of a timely petition to set aside the determination of liability, the Hearing Officer shall review the petition to determine if cause has been shown to set aside the determination. If cause has been shown, the City shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The City shall notify the petitioner of the Hearing Officer's decision to grant a hearing or deny the petition within 14 days of the City's receipt.

(Ord. 07-060, passed 2-27-2007)

### 70.069 SUSPENSION NOTICES.

~~(A) A suspension notice, the contents of which shall comply with the requirements of 6-306.5 and 11-208.3 of the Code, as amended, shall be sent to the person liable for any fine or penalty that remains due and owing on five or more unpaid automated traffic law violations. The suspension notice shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. Service of a suspension notice shall be deemed complete as of the date of deposit in the United States mail.~~

(A) (1) A Notice of Impending Driver's License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on 5 or more violations of this Article. The Notice of Impending Driver's License Suspension shall state the following information:

a. the failure to pay the fine owing within 45 days of the notice's date will result in the City of Blue Island notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code;

b. a statement that the person may obtain a copy of the original ticket imposing a fine by sending a self-addressed, stamped envelope to the City along with a request for the copy.

(2) The Traffic Control Administrator, by certified report, shall request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of 5 automated traffic violations. The report shall be certified and contain the following:

a. the name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Article is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;

## Blue Island - Traffic Code

b. the name of the municipality making the report pursuant to this section; and

c. a statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent.

(3) The Traffic Control Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

(B) (1) If the Administrator provides a suspension notice to a vehicle owner and subsequently makes a certified report to the Secretary, the subject vehicle owner may challenge the accuracy of the certified report in writing. To do so, the vehicle owner must submit to the Administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the certified report:

(a) The person was not the owner or lessee of the subject vehicle or vehicles receiving five or more automated traffic law violations on the date or dates such violation notices were issued; or

(b) The person already paid the fines or penalties for the five or more automated traffic law violations indicated on the certified report.

(2) Such statement and supporting documentation must be sent to the Administrator by certified mail, return receipt requested, or hand-delivered to the Administrator within five days after the person receives notice from the Secretary that the person's driver license will be suspended at the end of a specified period of time unless the Secretary is

presented with a notice from the city certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the certified report was in error.

(Ord. 07-060, passed 2-27-2007)

### 70.070 NON RESIDENTS

Non-residents of the city who receive violation notices may contest the merits of the alleged automated traffic law violation without attending a hearing by sending a signed statement, under oath, together with any supporting documentation, to the Administrator via certified mail, return receipt requested, within ~~ten-fourteen~~ (14) days after service of the violation notice. Such a statement shall set forth the reasons why a finding of liability should not be entered. ~~The Administrator shall rule on such a statement within ten days after receipt of same, and shall inform the non resident of his or her decision within ten days thereafter.~~

(Ord. 07-060, passed 2-27-2007)

### 70.071 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after the date of its passage, approval and publication as provided by law. If any portion of this subchapter is held to be invalid, then that portion shall be stricken from this subchapter and the remaining portions of this subchapter shall continue in full force and effect to the extent possible.

(Ord. 07-060, passed 2-27-2007)

### TOWING OF VEHICLES

#### 70.081 AUTHORIZATION FOR TOWING; ABANDONMENT PROHIBITED.

(A) The towing of vehicles by the city, or by its approved towing service operators on behalf of the city, shall be authorized only by the police department and under circumstances provide by ordinance. Hazardous or unlawful vehicles may be towed without prior notice except that when an unlawful vehicle is one that has been reported as stolen and is not towable for some other specific reason, the owner should be notified by telephone or other means

## General Provisions

when practicable and given the opportunity to claim or move the vehicle if he or she wishes to avoid incurring the expenses of a police ordered tow. Abandoned vehicles may be towed with prior notice as provided for in this section.

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, within city limits is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the police department after a waiting period of 7 days or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code.

### **70.082 NOTIFICATION REQUIRED GENERALLY; TOW NOTIFICATION.**

(A) When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person not the owner of the vehicle, such person shall immediately notify the police department when the vehicle is within the city limits. Upon receipt of such notification, the police department will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as required by Section 4-204 of the Illinois Motor Vehicle Code, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of.

(B) (1) Except as set forth in this section, an abandoned vehicle which is to be removed shall be towed only after notice has been given to the registered owner or to the person entitled to possession of the motor vehicle indicated in the most current registration list of the Secretary of State. If the names and mailing addresses can be ascertained in the exercise of reasonable diligence, notice shall be given by certified first class mail, return receipt requested. If such names and addresses cannot be ascertained, notice shall be given by affixing on the windshield or some other conspicuous place on

the vehicle a notice indicating that the vehicle will be removed by the city on or after a specific date. This date will be no sooner than seven (7) days after the notice is mailed or affixed to the vehicle, unless the vehicle is removed by the owner or legal possessor prior to that time.

(2) The notice required by Subsection (1) shall state that the vehicle will be removed seven days after the postmarked date or affixation of the notice unless removed prior to that time and shall provide information on the availability of the appeal process.

(3) The requirement that notice be given prior to the removal of an abandoned vehicle may, as determined by the police department, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. This includes, but is not limited to, situations that include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. Such findings shall be documented in written form by the police department.

### **70.083 REMOVAL AND HAULING OF VEHICLES.**

(A) When a vehicle is abandoned on a highway in the city for 10 hours or more, its removal by a towing service shall be authorized by police department.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by police department.

## Blue Island - Traffic Code

(C) Whenever a police officer reasonably believes that a person under arrest for driving under the influence in violation of Section 11-501 of Illinois Motor Vehicle Code is likely, upon release, to commit a subsequent violation of Section 11-501, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting officer, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of Illinois Motor Vehicle Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting officer, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of Illinois Motor Vehicle Code.

(D) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle, either under the influence in violation of Section 11-501 of Illinois Motor Vehicle Code or while the owner's license, permit or privilege is suspended or revoked in violation of Section 6-303 of Illinois Motor Vehicle Code, the police department may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of Illinois Motor Vehicle Code or Section 6-303 of Illinois Motor Vehicle Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of Illinois Motor Vehicle or Section 6-303 of Illinois Motor Vehicle Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting officer, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of Illinois Motor Vehicle Code.

(E) Except as provided in Chapter 18a of Illinois Motor Vehicle Code, the police department in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the police department of such towing or removal, and the make, model, color and license plate number of the vehicle, and shall obtain and record the name of the person at the police department to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service for which a receipt shall be given.

## General Provisions

4. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. The notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

5. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the police department a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and storage charges, however, shall not exceed the maximum

allowed by the Illinois Commerce Commission under Section 18a-200.

6. No person shall engage in the removal of vehicles from private property without filing a notice of intent with the police department at least 7 days before commencing such towing.

7. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

8. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle.

9. Except as authorized by the police department, no towing service shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway.

10. When a vehicle has been towed or removed, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(F) (1) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service shall be authorized by the police department.

(2) When a vehicle removal from either public or private property is authorized by the police department, the owner of the vehicle shall be responsible for all towing and storage charges.

## Blue Island - Traffic Code

(3) Vehicles removed from public or private property and stored by a commercial vehicle relocater or any other towing service authorized by the police department in compliance with this Section and Sections 4-201 and 4-202 of Illinois Motor Vehicle Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act.

(G) Whenever an officer issues a citation to a driver for a violation of subsection (a) of Section 11-506 of Illinois Motor Vehicle Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. Said vehicle shall release a motor vehicle impounded under this section to the registered owner of the vehicle under any of the following circumstances:

(1) If the vehicle is a stolen vehicle; or

(2) If the person ticketed for a violation of subsection (a) of Section 11-506 of Illinois Motor Vehicle Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or

(3) If the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing; or

(4) If the legal owner or registered owner of the vehicle is a rental car agency; or

(5) If, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(H) Except for vehicles exempted under subsection (b) of Section 7-601 of Illinois Motor Vehicle Code, whenever a police officer issues a citation to a driver for operating an uninsured vehicle in violation of Section 3-707 of Illinois Motor Vehicle Code, and the driver has a prior conviction for a violation of Section 3-707 in the past 12 months, the

arresting officer shall authorize the removal and impoundment of the vehicle by a towing service.

#### **70.084 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT.**

When a vehicle is authorized to be towed away as provided herein the following shall apply:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The police department 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 officer authorizing the tow.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the police department. If a vehicle towed or held under order or authorization of the police department is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale, and that payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs.

## General Provisions

### 70.085 RECORD SEARCHES.

(A) If the police department is unable to determine the identity of the registered owner, lienholder or other legally entitled person, of an impounded vehicle, the police department shall cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The police department will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. The information determined from these record searches will be used to send a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than 10 business days after the date of impoundment, provided that if the police department is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a 10 business day period after impoundment, then notification shall be sent no later than 2 days after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in Section 4-209 of Illinois Motor Vehicle Code.

### 70.086 IDENTIFYING AND TRACING OF VEHICLE OWNERSHIP.

When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the police department shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle.

### 70.087 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES.

Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and Section 11-40-3.1 of the Illinois Municipal Code, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of 10 days for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the 10-day period, without benefit of disposition information being received from the registered owner or lienholder, the police department shall authorize the disposal of the vehicle as junk.

### 70.088 POLICE REPORTS AFTER VEHICLE IS RECLAIMED OR DISPOSED OF.

When a vehicle is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of, a report of the transaction will be maintained by the police department for a period of one year from the date of the sale or disposal.

### 70.089 DISPOSITION OF PROCEEDS OF SALE OF UNCLAIMED VEHICLES.

When a vehicle located within the corporate limits of a city, village or town is authorized to be towed away by police department and disposed of as set forth herein, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the city.

### 70.090 FAILURE TO PAY FINES, CHARGES, AND COSTS.

Whenever any Illinois resident fails to pay any fine, charge, or cost imposed for a violation of Section 70.081, the city clerk shall notify the Secretary of State and make application to prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, charge, or cost has been paid in full. The city clerk shall provide notice to the owner, at the owner's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

## Blue Island - Traffic Code

**70.091 PRE-TOW AND POST-TOW HEARING PROCEDURES**

(A)(1) Opportunity for pre-tow hearing. The owner or person entitled to possession of a vehicle to be towed as an abandoned vehicle shall have seven (7) days after the date of mailing or personal delivery of the notice to request, in writing, a pre-tow hearing. Subsequent to this seven-day period, the vehicle may be towed if the owner has not filed a written hearing request within the seven-day period, and any hearing rights under the provisions of this article will be deemed waived.

(2) Scheduling of pre-tow hearings. The pre-tow hearing shall be scheduled for a date within fourteen (14) days of the mailing or personal delivery of the pre-tow notice. The city shall not be required to delay towing longer than such fourteen-day period.

(3) Request for pre-tow hearings. Requests for a pre-tow hearing are to be made to the police department. Requests for hearing by persons who reside more than fifty (50) miles from the city may be made by mail. Forms for such requests shall be made available at the police department. At the time of making the request, the owner will be provided a hearing date and time by mail or in person, as the circumstances require.

(4) Appointment of hearing officer. The Deputy Chief of Police or his designee shall serve as the hearing officer. In no case shall that hearing officer be an individual who was involved in the initial decision to tow the vehicle. The hearing officer shall have the authority to require the presence of the enforcement officer who initiated the proposed tow or any other city personnel.

(B)(1) Nature of hearing. The hearing shall be informal in nature, and the rules of evidence shall not apply. The hearing will not be determinative of, or adjudicate, any citation relative to any vehicle. After receiving all relevant evidence, the hearing officer shall make a written decision based upon a preponderance of the evidence as to whether towing of the vehicle is authorized by the laws of the State of Illinois or the ordinances of the city, with a specific statutory or ordinance section cited in the decision.

The owner shall be provided a copy of such pre-tow hearing decision.

(2) Decision to tow and rates to be charged. If the preponderance of the evidence supports towing and compliance with the provisions of this article, the hearing officer shall direct that the vehicle be towed or, to the extent required by law, then an appropriate court order for towing from private property be obtained, with any towing and storage costs to then be imposed upon the owner thereof. The owner of said vehicle having had such a hearing may avoid the towing by immediately removing the vehicle from the improper location to a proper, lawful location and correcting any unlawful condition of the vehicle.

(3) Decision not to tow. If the preponderance of the evidence fails to support towing of the vehicle, the hearing officer shall direct that the vehicle shall not be towed. The city shall furnish a copy of such decision to the owner, who may place it inside the vehicle in a location plainly visible from the outside, such as the dashboard or rear window. No vehicle about which such a decision has been rendered shall be towed by the city unless the circumstances under which the decision was rendered have changed. If at some subsequent time the city should wish to tow the vehicle from the same location, it shall follow the same procedures required for the towing of any other similarly situated vehicle.

(4) Contesting or appealing decisions. The owner may contest the decision of the hearing officer in any manner provided by law.

**' 70.999 PENALTY.**

~~(A) Whoever violates any provision of this traffic code for which no penalty is otherwise specifically provided shall be fined not less than \$10, nor more than \$750, for each offense. (1991 Code, ' 70.99)~~

(BA) (1) The operator of any vehicle violating or failing to comply with the provisions of the Illinois Vehicle Code and ' 70.001 of this chapter shall, upon a finding of the occurrence of said violation, be fined no less than \$50, and no more than \$250, for each offense, except for those violations and

## General Provisions

fine amounts enumerated in division (B)(2) below and unless otherwise provided by the city=s comprehensive fee schedule.

(2) The Illinois Vehicle Code sets minimum and maximum fines for certain violations and the following fines for the same are incorporated herein.

12-503(b)	Subject to fine no less than \$50 and no more than \$500
12-603.1	Subject to fine of no more than \$25
13-111	Subject to fine no less than \$95 and no more than \$250

(B) In the event that such penalty is not paid within fourteen (14) days after service of a Violation Final Determination of Liability Notice, the penalty shall increase to two hundred dollars (\$200).

~~(C) The owner or operator of any motor vehicle failing to comply with any provision of 170.002 of this chapter shall be fined not less than \$25, nor more than \$250, for each offense, and a separate offense shall be deemed committed on each day a violation occurs or continues.~~

(DC) Unless the driver of the motor vehicle cited for an automated traffic law violation received a uniform traffic citation from a police officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of \$100 per violation. In the event that such penalty is not paid within 14 days after service of a violation notice of final determination and liability, the penalty shall increase to \$200.

(Ord. 2013, passed 10-10-1966; Ord. 91-284, passed 9-10-1991; Ord. 07-060, passed 2-27-2007; Ord. 2014-003, passed 1-14-2014)

**CHAPTER 71: TRAFFIC REGULATIONS**

Section

***General Regulations***

- 71.01 Speed restrictions
- 71.02 Special speed and weight restrictions
- 71.03 Stop required before entering through streets and stop intersections
- 71.04 Stop when traffic obstructed
- 71.05 One-way streets
- 71.06 Limitations on turning around
- 71.07 Limitations on backing
- 71.08 Emerging from alley or driveway
- 71.09 Vehicles not to be driven on closed streets
- 71.10 Method of approaching for left turn
- 71.11 Method of approaching for right turn
- 71.12 Signals required
- 71.13 Vehicles not to be driven on sidewalks or safety zones
- 71.14 Following fire apparatus prohibited
- 71.15 Traffic not to be obstructed
- 71.16 Weight limits restricted on certain streets
- 71.17 Vehicle size limits
- 71.18 Riders of animals or bicycles subject to traffic code provisions
- 71.19 Traffic schedules adopted by reference

***Pedestrians***

- 71.30 Pedestrians subject to traffic-control signals
- 71.31 Right-of-way at crosswalks
- 71.32 School crossing signals and crosswalks
- 71.33 Crossing at other than crosswalks
- 71.34 Pedestrians to use right half of crosswalk
  
- 71.99 ~~Penalty~~ Reserved

**GENERAL REGULATIONS**

**' 71.01 SPEED RESTRICTIONS.**

(A) No person shall drive or operate or cause to be driven or operated any vehicle along, upon or over any street or alley within the limits of the city at a speed in excess of 20 mph.

(B) No person shall drive or operate or cause to be driven or operated any vehicle upon any street or alley in the city lying within 100 yards from the boundaries of the school grounds or school playgrounds of any public or parochial school within the limits of the city, at a speed in excess of 20 mph.

(C) The provisions of divisions (A) and (B) above shall not apply to any street or streets or portions thereof lying within the city which are under the jurisdiction or control of the state, or any department thereof, where the restrictions on speed of vehicles established by or under the authority of the state shall apply. Any person violating such speed restrictions shall be deemed to have violated this section. (1991 Code, ' 71.01) (Ord. 1583, passed 7-14-1947; Ord. 1635, passed 12-11-1950) Penalty, see ' 71.99

**' 71.02 SPECIAL SPEED AND WEIGHT RESTRICTIONS.**

No person shall operate any truck or bus over, along or upon any portion of any street set out by the city in a speed greater than as regulated by the city. (1991 Code, ' 71.02) Penalty, see ' 71.99

## Traffic Regulations

### **' 71.03 STOP REQUIRED BEFORE ENTERING THROUGH STREETS AND STOP INTERSECTIONS.**

When stop signs are erected upon highways entering a through street at the entrance thereto, or at the entrance to any stop-intersection, every driver shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but, if none, then before entering the intersection and at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting highway, except when directed to proceed by a police officer or traffic-control signal, and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so closely thereto as to constitute an immediate hazard, and shall similarly yield the right-of-way to pedestrians within or entering any crosswalk at the intersection.  
(1991 Code, ' 71.03) Penalty, see ' 71.99

*Statutory reference:*

*Related provisions, see 625 ILCS 5/11-904*

### **' 71.04 STOP WHEN TRAFFIC OBSTRUCTED.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle or pedestrian, notwithstanding any traffic-control signal indication to proceed.  
(1991 Code, ' 71.04) Penalty, see ' 71.99

### **' 71.05 ONE-WAY STREETS.**

Upon those streets and parts of streets described by the city, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.  
(1991 Code, ' 71.05) Penalty, see ' 71.99

### **' 71.06 LIMITATIONS ON TURNING AROUND.**

The driver of any vehicle shall not turn such vehicle to the left upon any street in the business district for the purpose of proceeding in the opposite direction or for the purpose of parking along a curb and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(1991 Code, ' 71.06) Penalty, see ' 71.99

### **' 71.07 LIMITATIONS ON BACKING.**

The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety.

(1991 Code, ' 71.07) Penalty, see ' 71.99

### **' 71.08 EMERGING FROM ALLEY OR DRIVEWAY.**

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into a sidewalk area extending across any alleyway, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(1991 Code, ' 71.08) Penalty, see ' 71.99

### **' 71.09 VEHICLES NOT TO BE DRIVEN ON CLOSED STREETS.**

No driver of any vehicle, except an authorized emergency vehicle while engaged in emergency duty, shall drive such vehicle upon any street or highway which is officially closed to traffic and which is plainly indicated as such by officially erected signs, barricades or other traffic-control devices.

(1991 Code, ' 71.09) Penalty, see ' 71.99

**Blue Island - Traffic Code**

**' 71.10 METHOD OF APPROACHING FOR LEFT TURN.**

The driver of any vehicle intending to turn left at any intersection or into an alley or driveway shall approach the point of turning in the traffic lane nearest to the right of the centerline of the roadway.  
(1991 Code, ' 71.10) Penalty, see ' 71.99

**' 71.11 METHOD OF APPROACHING FOR RIGHT TURN.**

The driver of a vehicle intending to turn to the right at any intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the roadway.  
(1991 Code, ' 71.11) Penalty, see ' 71.99

**' 71.12 SIGNALS REQUIRED.**

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

(B) The signals herein required shall be given either by means of the hand and arm or by a signal lamp or other signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals must be given by such a lamp or device.

(C) All signals herein required, given by hand and arm signal, shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn: hand and arm extended horizontally;

(2) Right turn: hand and arm extended upward or moved with a sweeping motion from the rear to the front; and

(3) Stop or decrease of speed: hand and arm extended downward.

(1991 Code, ' 71.12) Penalty, see ' 71.99

**' 71.13 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS OR SAFETY ZONES.**

No driver of a vehicle, motorized bicycle, motorized scooter, or any other gas powered or motor propelled thing used to transport people or goods, shall drive within any sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

Motorized wheelchairs shall be exempt from this provision.

(1991 Code, ' 71.13) Penalty, see ' 71.99

**' 71.14 FOLLOWING FIRE APPARATUS PROHIBITED.**

Upon the sounding of gongs or warning devices used upon fire apparatus or fire patrol vehicles, drivers shall draw their vehicles as near to the right-hand curb as is reasonably possible and shall remain standing until such fire apparatus has passed. No driver of any vehicle, other than one on official business, shall follow any fire apparatus in response to a fire alarm, closer than one block, or park any vehicle within the block where fire apparatus has stopped to answer a fire alarm.

(1991 Code, ' 71.14) Penalty, see ' 71.99

**' 71.15 TRAFFIC NOT TO BE OBSTRUCTED.**

No vehicle, street car or train shall be operated or allowed to remain upon any street in such a manner as to form an obstruction to traffic thereon.

(1991 Code, ' 71.15) Penalty, see ' 71.99

**' 71.16 WEIGHT LIMITS RESTRICTED ON CERTAIN STREETS.**

No person shall operate a vehicle over, along and upon the certain streets or thoroughfares or lands dedicated for street purposes, in violation of weight

## Traffic Regulations

limitations as are specified by the city.  
(1991 Code, ' 71.16) Penalty, see ' 71.99

### ' 71.17 VEHICLE SIZE LIMITS.

No person shall operate a vehicle over, along or upon the certain streets or thoroughfares in violation of the size limits as are specified by the city.  
(1991 Code, ' 71.17) Penalty, see ' 71.99

### ' 71.18 RIDERS OF ANIMALS OR BICYCLES SUBJECT TO TRAFFIC CODE PROVISIONS.

Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this traffic code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal.  
(1991 Code, ' 71.18) (Ord. 1524, passed 9-29-1942) Penalty, see ' 71.99

### ' 71.19 TRAFFIC SCHEDULES ADOPTED BY REFERENCE.

The city's traffic schedules are hereby adopted by reference and incorporated herein as if set out in full. All traffic schedules are on file in the office of the City Clerk and are available for public inspection.

## PEDESTRIANS

### ' 71.30 PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS.

Pedestrians shall be subject to traffic-control signals at intersections as provided in 625 ILCS 5/11-1001, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions as hereinafter stated.  
(1991 Code, ' 71.25)

### ' 71.31 RIGHT-OF-WAY AT CROSSWALKS.

(A) Where traffic-control signals are not in place

or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any unmarked crosswalk at an intersection, except as otherwise provided in this subchapter.

(B) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(1991 Code, ' 71.26)

#### *Statutory reference:*

*Related provisions, see 625 ILCS 5/11-1002*

### ' 71.32 SCHOOL CROSSING SIGNALS AND CROSSWALKS.

(A) The portions of the public highways as designated by City Council shall be known as school crossing crosswalks.

(B) School crossing signals shall be operated for an appropriate period of time not exceeding 30 minutes duration immediately preceding the opening and immediately following the closing of each school period both morning and afternoon, of the public schools hereinabove in division (A) referred to, and at such other time or times as in the judgment of the Mayor or the Chief of Police, the operation of such signals may be necessary or desirable for the protection of school pupils or other pedestrians en route to or from the public schools, and all vehicular traffic passing along or upon the public highways shall stop or proceed, as the case may be, in response to such signals at all times while the same are in operation.

(C) All school pupils and other pedestrians using any of school crosswalks at any time while such school crossing signals are in operation, shall cross only when directed so to do by such school crossing signals.  
(1991 Code, ' 71.27) (Ord. 1735, passed 7-11-1955; Ord. 1761, passed 6-25-1956)

### ' 71.33 CROSSING AT OTHER THAN CROSSWALKS.

**Blue Island - Traffic Code**

(A) Every pedestrian crossing a roadway at any point other than within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place, except in a marked crosswalk.

(D) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(1991 Code, ' 71.28) Penalty, see ' 71.99

**' 71.34 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalk.

(1991 Code, ' 71.29)

**71.99 RESERVED PENALTY.**

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to the penalty in ' 70.999(A).~~

~~(B) Whoever violates any provision of ' 71.03 of this chapter or any specific traffic or parking provisions shall be fined not less than \$50, nor more than \$750, for each offense.~~

~~(C) Whoever violates any provision of ' 71.05 of this chapter or any specific traffic or parking provisions shall be fined not less than \$25, nor more than \$750, for each offense.~~

~~(1991 Code, ' 70.99)~~

**CHAPTER 72: PARKING REGULATIONS**

Section

- 72.01 Illegal parking
- 72.02 Parking at curb
- 72.03 Parking vehicles for sale prohibited
- 72.04 Unlawful to park in loading zone
- 72.05 Parking in alleys
- 72.06 Parking at bus stands prohibited
- 72.07 Consent of owner required to park on private property
- 72.08 Parking certain vehicles in residential areas prohibited
- 72.09 ~~Other restricted parking areas~~ Fire lane designations
- 72.10 Signs to be posted
- 72.11 ~~No fine upon timely surrender of ticket~~ Reserved
- 72.12 Off-street parking to be provided for apartment buildings; maintenance
- 72.13 Street cleaning and snow routes
- 72.14 Handicapped parking; uniform regulations
- 72.15 Parking schedules adopted by reference

(D) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal on the approaching side of the highway or street;

(E) Within 20 feet of any intersection or crosswalk;

(F) At any place where the standing of a vehicle will reduce the usable width of the highway or street for moving traffic to less than 18 feet;

(G) Within 15 feet of a fire hydrant;

(H) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign-posted;

(I) On a sidewalk;

(J) In front of a public or private driveway;

(K) Within 50 feet of the nearest rail of a railroad grade crossing.

(L) On the roadway side of any vehicle parked at the edge or curb of a street; or

(M) At any place where official signs are posted prohibiting parking pursuant to the provisions of any ordinance of the city.

(1991 Code, ' 72.01) (Ord. 20-10, passed 10-10-1966) Penalty, see ' 70.999

**' 72.01 ILLEGAL PARKING.**

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

- (A) In any intersection;
- (B) In a crosswalk;
- (C) Upon any bridge or viaduct or the approach thereto;

## Blue Island - Traffic Code

### ' 72.02 PARKING AT CURB.

No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and no person shall stand or park any vehicle in or upon a highway or street other than parallel with the curb of the highway or street and with the two right wheels of the vehicle within 12 inches of the regularly established curb line.

(1991 Code, ' 72.02) (Ord. 20-10, passed 10-10-1966) Penalty, see ' 70.999

### ' 72.03 PARKING VEHICLES FOR SALE PROHIBITED.

No person shall park any vehicle upon any street or public parkway for the purpose of displaying it for sale, or park any vehicle upon any business street from which vehicle merchandise is peddled.

(1991 Code, ' 72.03) (Ord. 20-10, passed 10-10-1966) Penalty, see ' 70.999

### ' 72.04 UNLAWFUL TO PARK IN LOADING ZONE.

Where a loading zone has been established and official signs are properly posted, it shall be unlawful for the driver of a vehicle to stand or park a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed ten minutes, and for the driver of any freight-carrying vehicle to stand or park that vehicle for a period of time longer than is necessary to load, unload and deliver materials, not to exceed one hour, or in any of the following designated places:

(A) At any place not to exceed 75 feet along the curb before the entrance to any hospital; or

(B) Directly in front of the entrance to any theater at any time that the theater is open for business.  
(1991 Code, ' 72.04) (Ord. 20-10, passed 10-10-1966) Penalty, see ' 70.999

### ' 72.05 PARKING IN ALLEYS.

(A) No person shall park a motor vehicle within an alley in a manner or under such conditions which will leave less than 12 feet of available width of the alley for the free movement of vehicular traffic.

(B) No person shall park a motor vehicle within an alley in a position which will block the driveway entrance to any abutting property.

(C) No person shall park a motor vehicle within 30 feet from the intersection of two alleys commonly known as a "T intersection" alley.

(1991 Code, ' 72.05) (Ord. 20-10, passed 10-10-1966; Ord. 2163, passed 11-22-1971) Penalty, see ' 70.999

### ' 72.06 PARKING AT BUS STANDS PROHIBITED.

No vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

(1991 Code, ' 72.06) (Ord. 20-10, passed 10-10-1966) Penalty, see ' 70.999

### ' 72.07 CONSENT OF OWNER REQUIRED TO PARK ON PRIVATE PROPERTY.

No person shall park any motor vehicle on any private property without the consent of the owner of the property.

(1991 Code, ' 72.07) (Ord. 20-10, passed 10-10-1966) Penalty, see ' 70.999

### ' 72.08 PARKING CERTAIN VEHICLES IN RESIDENTIAL AREAS PROHIBITED.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FIRST DIVISION VEHICLES.** Those motor vehicles which are designed for carrying not more than ten persons.

**OWNER.** Any person who holds legal title and registration for a vehicle.

## Parking Regulations

**SECOND DIVISION VEHICLES.** Those vehicles which are designed for carrying more than ten persons; designed for pulling or carrying property, persons or freight or cargo; motor vehicles of the first division remodeled, converted for use, and used as second division motor vehicles; and those motor vehicles of the first division used as school buses and all recreation vehicles, campers, and house trailers.

**TRAILER.** Every vehicle without motive power, designed for carrying persons, property, freight or cargo, and for being drawn by a motor vehicle.

(B) *Parking prohibited.* It shall be unlawful for any person, firm or corporation to park or allow standing any second division vehicle on any street, highway or alley in a residential area within the city corporate limits, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers or performing a service for a resident in that residential area. It shall be unlawful to park or allow standing, whether occupied or not, more than one second division vehicle on private property located in a residential area or R-1 zoning district within the city limits, unless temporarily and actually engaged in loading and unloading of merchandise or passengers.

(C) *Exceptions.*

(1) Those second division vehicles registered as pickup trucks and vans and having a registered gross weight of 8,000 pounds or less and owned and operated by the resident at the address where the vehicle is parked and not leased by the resident to another person. The vehicle shall be parked no less than 75 feet from any intersection in a residential area.

(2) Those second division vehicles owned by utility companies and used as emergency vehicles and operated by the employee of the company residing at the location where the vehicle is parked. These emergency vehicles shall be designated by the employing company as emergency vehicles by keeping in the emergency vehicle a notarized statement from the company to that effect. The

statement shall be produced upon demand of any law enforcement officer of the city.

(3) Those recreational vehicles licensed for not more than 8,000 pounds shall be parked no less than 75 feet from any intersection in a residential area. (1991 Code, ' 72.08) (Ord. 2393, passed 3-14-1978; Ord. 2400, passed 5-9-1978) Penalty, see ' 70.999

### ' 72.09 FIRE LANE DESIGNATIONS OTHER-RESTRICTED PARKING AREAS.

It shall be unlawful to stop, stand or park any vehicle or to permit a vehicle to remain parked in any area designated as a "fire lane." Fire lanes shall be as established by the Fire Chief and appropriate City Council Committee. The Fire Chief shall maintain a list of designated fire lanes within the City.

~~Other areas may have restricted parking regulations as set by the city from time to time.~~

~~(1991 Code, ' 72.09) Penalty, see ' 70.999~~

### ' 72.10 SIGNS TO BE POSTED.

The Superintendent of Public Works Department of Municipal Services shall cause appropriate signs indicating limitations or prohibitions to be posted in all alleys where parking is limited or prohibited under the terms of this chapter.

(1991 Code, ' 72.10)

### ' 72.11 RESERVED—NO FINE UPON TIMELY SURRENDER OF TICKET.

~~(A) No penalty, fine or forfeiture shall be charged by or paid to the city for the violation of any overtime parking meter zone by any person, firm or corporation if such person, firm or corporation surrenders the ticket issued therefor to the desk sergeant at the police station, within 15 minutes of the time of the violation.~~

~~(B) The Chief of Police will be required to keep a record of all such surrendered tickets.~~

~~(1991 Code, ' 72.11)~~

## Blue Island - Traffic Code

**' 72.12 OFF-STREET PARKING TO BE PROVIDED FOR APARTMENT BUILDINGS; MAINTENANCE.**

It is the responsibility and duty of the owners of all apartment buildings to maintain their off-street parking facilities and accesses free and clear of all snow in excess of six inches, debris, garbage, garbage containers, abandoned vehicles or any other foreign matter, or material so as to provide the apartment tenants with a free and clear access and use of said off-street parking facilities. No snow shall be plowed or shoveled onto public walkways or streets. (1991 Code, ' 72.12) (Ord. 2436, passed 1-23-1979; Ord. 2442, passed 2-27-1979) Penalty, see ' 70.999

**' 72.13 STREET CLEANING AND SNOW ROUTES.**

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**PARK.** The standing of any vehicle, whether occupied or not. (1991 Code, ' 72.35)

(B) *No parking during street cleaning.*

(1) It shall be unlawful to park any vehicle on any public street or portion thereof within the city at any time when such street is being cleaned.

(2) Appropriate signs indicating that such street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street, and shall be removed after the cleaning of the street is finished.

(1991 Code, ' 72.36)

(C) *Snow routes designated; snow removal.*

(1) It shall be lawful to park any vehicle on any portion of the streets set out by City Council, said streets being snow routes within the city, at any time after snow has accumulated thereon in excess of two inches, and such parking restriction shall continue

during and until snow removal operations on such streets have been completed.

(2) Whenever any police officer finds a vehicle standing upon a street in violation of the provisions of this section, such officer is hereby authorized to remove such vehicle or require the driver or other person in charge of the vehicle to remove the same from said street, or to cause said vehicle to be towed from said street.

(3) No vehicle which is towed under the provisions of this section shall be released to the owner or other person proving the right to possession of said vehicle until all lawful towing and storage charges have been paid.

(4) Appropriate signs shall be erected on the designated snow routes informing the public that parking thereon is prohibited as hereinabove provided. (1991 Code, ' 72.37)

(D) *Snow removal on non-major snow routes.*

(1) For the purpose of this division (D), the following definition shall apply unless the context clearly indicates or requires a different meaning.

**PARK.** The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading of merchandise, property or passengers, and except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control signal or device.

(2) The provisions of this section shall apply to the parking of motor vehicles and vehicles of any kind or nature parked upon streets of the city which are not presently designated as major snow routes pursuant to the provisions of division (C) above and any amendments thereto. Parking on those streets designated as major snow routes shall be regulated in accordance with the provisions of division (C) above and any amendments thereto.

(3) At any time after snow has accumulated in excess of two inches on any streets which are not major snow routes, the following parking restrictions

## Parking Regulations

shall be implemented and shall apply.

(a) On even-numbered days of the month, motor vehicles and vehicles of any kind or nature shall be parked on the even-numbered side of the street to facilitate snow removal on the odd numbered side of the street.

(b) On odd-numbered days of the month, motor vehicles and vehicles of any kind or nature shall be parked on the odd-numbered side of the street to facilitate snow removal on the even numbered side of the street.

(4) When snow has accumulated in excess of two inches between the hours of 10:00 p.m. on any evening and before the hour of 8:00 a.m. on any morning, then the even/odd parking restrictions shall begin at 8:00 a.m. and shall continue in full force and effect during and until snow removal operations on such streets have been completed.

(5) It shall be unlawful to park a motor vehicle or vehicle of any kind or nature on the street in violation of these restrictions at times when snow has accumulated in excess of two inches.

(6) Whenever any police officer finds a vehicle parked or standing upon a street in violation of the provisions of this section, such officer is hereby authorized to remove such vehicle or require the owner, driver, operator or other person in charge of the vehicle to remove the same from the street, or to cause said vehicle to be towed from said street.

(7) No vehicle which is towed pursuant to the provisions of this section shall be released to the owner, driver, operator or other person proving the right to possession of said vehicle until all lawful towing and storage charges have been paid.

(1991 Code, ' 72.38)

(Ord. 2119, passed 2-9-1970; Ord. 2492, passed 11-27-1979; Ord. 2683, passed 3-26-1985; Ord. 88-110, passed 1-26-1988) Penalty, see ' 70.999

### ' 72.14 HANDICAPPED PARKING; UNIFORM REGULATIONS.

(A) All handicapped parking spaces located on public streets shall not be greater than 20 feet in length unless a greater length is designated in the ordinance establishing the space and a reason for the greater length is set forth in the ordinance.

(B) Persons requesting handicap parking designations shall submit an application to the City Clerk on the form provided. Upon submission of the application and required documentation to the City Clerk, staff shall perform a site inspection of the location for the requested parking and determine whether: (1) there is a driveway or garage present at the location and (2) there are existing parking restrictions or other reasons why a handicap parking designation is not feasible including, but not limited to, the presence of fire hydrants or traffic signs. If there is no driveway or garage, and there are no other reasons prohibiting the parking designation, the application shall be forwarded to the two Aldermen of the ward where said designation will be located. Said application will also be submitted to the City Attorney for preparation of the appropriate ordinance for council approval. Prior to designation and restriction of any space on a public street as a handicapped parking space, both Aldermen in the ward where the designated space is requested shall be presented with the request by the Chairperson of the Municipal Services assigned City Council Committee and both Aldermen shall agree that the designation is appropriate and that the location is proper. If additional information is required to make such determination, the application may be referred to the Municipal Services department for review and investigation.

(C) In the event requests for handicapped parking spaces are presented by persons living in adjacent properties, the spaces shall, whenever practicable, be located between the two properties so that each space has a length of 20 feet beginning from the adjoining lot line located between the two properties and proceeding in opposite directions for lengths of 20 feet each.

(D) Intentional movement or relocation of a handicapped parking sign in any manner from the place where it was initially installed by the Superintendent of Public Works to a different location

## Blue Island - Traffic Code

by any resident or occupant of the premises for whose benefit the handicapped space has been designated shall result in immediate revocation of the handicapped parking designation, removal of the space as a handicapped parking space and revocation of any local municipal permit issued for handicapped parking privileges. The ordinance that designated the space as a handicapped parking space shall also be rescinded.

\_\_\_ In the event a resident or occupant of the premises considers that it is necessary to have a handicapped sign moved or relocated, the resident or applicant shall make application to the assigned City Council Municipal Services Committee to have the sign moved. Any such application must be approved in the manner set forth in division (B) above.

(E) If staff determines that the location of the handicap parking designation is not appropriate due to the presence of a garage or driveway or other reasons, the application will be forwarded to the appropriate City Council Committee for consideration of the individual circumstances. The City Clerk shall create a uniform application for handicapped parking which must be completed prior to designation of a parking space for handicapped parking. The application shall be submitted to both Aldermen of the ward where the designated space is being requested at the same time that the request is presented to the Aldermen by the Chairperson of the Municipal Services assigned City Council Committee.

(F) This section shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this section shall be published in pamphlet form, by authority of the City Council as corporate authorities.

(G) Upon notice of change in circumstances necessitating the handicap parking designation, or death of the person for whom the designation was intended, the assigned City Council Committee shall make a recommendation to City Council to rescind said handicap parking designation and instruct the Municipal Services Department to remove

**' 72.15 PARKING SCHEDULES ADOPTED BY REFERENCE.**

The city's parking schedules are hereby adopted by reference and incorporated herein as if set out in full. All traffic schedules are on file in the office of the City Clerk and are available for public inspection. (Ord. 2001-353, passed 6-26-2001)

## **Parking Regulations**

CHAPTER 73: VEHICLE LICENSING

Section

- ~~73.01 Title~~
- ~~73.02 Definitions~~
- ~~73.03 License required~~
- ~~73.04 Application~~
- ~~73.05 Annual fees~~
- ~~73.06 Exemptions~~
- ~~73.07 Insignia; disposition~~
- ~~73.08 New car purchase~~
- ~~73.09 Due date; expiration; license year~~
- ~~73.10 Taxicabs~~
- ~~73.11 Effective date~~
- ~~73.99 Penalty~~

- 73.01 Definitions
- 73.02 License required; fee
- 73.03 Application
- 73.04 Exemptions
- 73.05 Insignia; disposition
- 73.06 New car purchase
- 73.07 Due date; expiration; license year
- 73.08 Taxicabs
- 73.09 Effective date

~~73.01 TITLE.~~

~~This chapter shall be known and may be cited as the Vehicle Licensing Ordinance of 1999 of the city. (Ord. 99-252, passed 4-27-1999)~~

~~73.02~~73.01 DEFINITIONS.

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

**MOTOR VEHICLES.** Every vehicle which is propel led otherwise than by muscular power, including, but not limited to, automobiles, motorcycles, motor bicycles, motor scooters, motor trucks, truck tractors and all vehicles propelled by mechanical or electrical power, except traction engines, cars or equipment designed to be used on rails or tracts.

**PERSON.** Person shall mean any person, firm, partnership, association, corporation or association of

any kind.  
(Ord. 99-252, passed 4-27-1999)

~~73.03~~73.02 LICENSE REQUIRED; FEE.

No owner of a motor vehicle residing in the city, nor any firm, partnership, association or corporation maintaining and conducting a place of business located within the city who uses or operates a motor vehicle in connection with or as a part of the operation of such business, shall use or cause or permit the use of such motor vehicle upon the streets of the city without first obtaining a license therefor as hereinafter set forth. The fee for such license shall be as established by the city's fee and fine schedule.

(Ord. 99-252, passed 4-27-1999) Penalty, see  
~~73.99~~

~~73.04~~73.03 APPLICATION.

Any person desiring to license a motor vehicle shall file an application for such purpose. The applicant shall submit name, current city mailing address of the owner, or business address of the owner, if a firm, partnership, association or corporation, a description of the vehicle, including in the case of vehicle designed and used for commercial purposes the manufacturers rated load carrying capacity in tons and such other information as may be reasonably required by the City Clerk to carry into effect the provisions of this chapter. A dealer in motor vehicles shall not apply for more vehicle licenses than dealer plates issued by the Secretary of State of Illinois. All applications shall be signed by the owner or a duly authorized agent of a firm, partnership, association or corporation. Upon payment of the annual fee herein as provided in the City's fee and fine schedule, the Mayor shall issue or cause to be issued a vehicle license which shall be attested by the City Clerk, authorizing the use of such vehicle within the city until its expiration date. (Ord. 99-252, passed 4-27-1999)

~~73.05 ANNUAL FEES.~~

## Vehicle Licensing

(A) For the following motor vehicles of the first division:

~~(1) Motoreycles, motor scooters, motor pedal vehicles, motor driven cycles or mini-bikes: \$25;~~

~~(2) Passenger automobiles designed to carry not more than ten persons and used for pleasure: \$30;~~

~~(3) Dealers in motor vehicles: \$30; and~~

~~(4) Taxicabs or buses of a capacity of not more than ten persons: \$80.~~

(B) For the following motor vehicles of the second division:

~~(1) Trucks or tractor semi-trailer units; class: gross weight in pounds, including vehicle and maximum loads:~~

~~(a) Eight thousand pounds or less: \$35;~~

~~(b) More than 8,000 pounds and not over 12,000 pounds: \$45;~~

~~(c) More than 12,000 pounds and not over 16,000 pounds: \$60;~~

~~(d) More than 16,000 pounds and not over 24,000 pounds: \$80; and~~

~~(e) More than 24,000 pounds: \$90.~~

~~(2) Motor home, mini-motor home, truck camper or van camper:~~

~~(a) Three thousand pounds and not over 8,000 pounds: \$35;~~

~~(b) More than 8,000 pounds and not over 10,000 pounds: \$40; and~~

~~(c) Ten thousand pounds and over: \$45.~~

(3) Motor buses and coaches of a capacity of more than ten persons: \$70; and

~~(4) Motor vehicles owned by not-for-profit organizations: \$5.  
(Ord. 99-252, passed 4-27-1999; Ord. 03-437, passed 5-27-2003)~~

### 73.0673.04 EXEMPTIONS.

(A) In the event the owner of a motor vehicle who applies for a motor vehicle license as hereinabove provided is 65 years of age or older and produces satisfactory proof of the same by a birth certificate, baptismal record or otherwise, the annual motor vehicle license fee shall be reduced to the amount indicated in the fee and fine schedule \$5. This exemption is limited to one vehicle of the first division per household. The annual motor vehicle license fee for a disabled veteran who qualifies for registration of a motor vehicle under the provisions of 625 ILCS 5/3-609, upon finishing satisfactory proof thereof, shall be one-third the amount set forth hereinabove for one vehicle of the first division or one motor vehicle of the second division weighing not more than 8,000 pounds.

(B) No person having moved to, now being a resident of the city shall be exempt from the provisions of this chapter for a period greater than 30 days from the date of first becoming a resident of the city, by reason of vehicle having been registered, taxes or licensed in a state other than the State of Illinois or in another municipality of the State of Illinois.  
(Ord. 99-252, passed 4-27-1999; Ord. 03-437, passed 5-27-2003)

## Blue Island - Traffic Code

**73.0773.05 INSIGNIA; DISPOSITION.**

(A) *General.* With the issuance of a vehicle license, the City Clerk shall deliver to the licensee and appropriate insignia bearing a number, the class of the vehicle, and the year for which the license is issued. It shall be the duty of the licensee to promptly and properly affix such insignia on the vehicle licensed at the lower right-hand corner of the windshield as viewed from inside the vehicle. Failure to so affix insignia shall be deemed a violation hereof.

(B) *Return of faulty insignia.* When, after issuance of license and insignia as aforesaid, an insignia or suitable portion thereof is returned with claim of fault, the City Clerk will issue replacement insignia with corresponding license without charge to claimant.

(C) *Loss of insignia.* If a claim of loss of insignia is made, a replacement insignia with corresponding license for the same vehicle only, shall be issued with presentation of a receipt at full price. A refund will be issued if the lost sticker is subsequently found and presented to the City Clerk's office.

(D) *Disposition of vehicle.* When a vehicle licensed in the current license year is disposed of in any manner, the license insignia shall be removed therefrom by the licensee and such removed insignia or a suitable portion thereof along with a receipt for the current year be presented to the City Clerk at the time of applying for a license for a succeeding vehicle in the same license year. Full credit therefor shall be applied toward the licensing of the succeeding vehicle for the unexpired portion of that license year. In that case, a transfer charge of \$2 shall be paid by the licensee to the City Clerk, in addition to difference in fee, if any, due to the difference in class, if any, of the disposed of vehicle and the succeeding vehicle being licensed:

(E) *Damaged or defaced insignia.* In the event an insignia becomes defaced or damaged rendering it illegible, the Clerk shall upon payment of \$2 replacement fee by applicant issue another insignia to be affixed to the motor vehicle originally licensed. (Ord. 99-252, passed 4-27-1999)

**73.0873.06 NEW CAR PURCHASE.**

A new car owner has ~~three~~ thirty working days to purchase a vehicle sticker without penalty. (Ord. 99-252, passed 4-27-1999)

**73.0973.07 DUE DATE; EXPIRATION; LICENSE YEAR.**

License fees shall be due and payable in advance on July 1 of each year and said license shall expire on June 30 following the date of issuance. Late fees shall apply for failure to renew an expired license when such license is required.

~~(A) A fee of one-half the sum of a yearly license fee will be charged to new residents moving into the city during the last half of the license year.~~

~~(B) For an annual license applied for on or after July, but prior to August 1, the sum of \$2 shall be added to the fee as fixed in 73.05 of this chapter.~~

~~(C) For an annual license applied for on or after August 1, but prior to September 1, the sum of \$5 shall be added to the fee as fixed in 73.05 of this chapter.~~

~~(D) For an annual license applied for on or after September 1, but prior to December 31, the sum of \$10 shall be added to the fee as fixed in 73.05 of this chapter.~~

~~(E) When application is made on or after December 31, of the license year, the sum of \$20 shall be added to the fee as fixed in 73.05 of this chapter. (Ord. 99-252, passed 4-27-1999)~~

**73.1073.08 TAXICABS.**

(A) Applications for operation shall be made to the City Clerk's office by the owner of the taxicab company. They will provide the following:

- (1) Description of the cab;
- (2) License plate number;

## Vehicle Licensing

(3) Meter rates; and

(4) Insurance certificate.

(B) ~~The vehicle sticker fee of \$75 as set forth in the City's fee and fine schedule shall be charged per taxicab will be charged and applied to a business registration license.~~

(C) The taxicab vehicle sticker will be placed in the rear window driver's side.

(D) The taxicab vehicle sticker will permit the taxicab company to use city owned cab stands and to pick up customers within the city limits.

(E) Any driver not having a valid license required by the motor vehicle laws of the state or any such person whose license as such driver has been revoked or suspended found driving a taxicab shall cause the revocation of the company's business registration certificate.

(F) The foregoing additions to license fees shall not be construed to be in lieu of any penalty hereunder. (Ord. 99-252, passed 4-27-1999)

### 73.0911 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage, approval and publication as provided by law. A full, true and complete copy of this chapter shall be published in pamphlet form, by authority of the City Council, as corporate authorities. (Ord. 99-252, passed 4-27-1999)

### ~~73.99~~ PENALTY.

~~The owner of any vehicle violating or failing to comply with the provisions of this chapter shall upon conviction thereof be fined not less than \$25, nor more than \$750, for each offense.~~  
(Ord. 99-252, passed 4-27-1999)

**Blue Island - Traffic Code**

## CHAPTER 74: BICYCLES

### Section

74.01	Definitions
74.02	<del>Licensing provisions</del> <u>Reserved</u>
74.03	<del>Report of sale or transfer required</del> <u>Reserved</u>
74.04	Rental agencies
74.05	Operating regulations
74.06	<del>Suspension and revocation of licenses; impounding of bicycles</del> <u>Reserved</u>
74.99	Penalty

### 74.01 DEFINITIONS.

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

**BICYCLE.** A light vehicle with two tandem wheels, neither of which are less than 20 inches in diameter, with solid or pneumatic tires, having a steering wheel and a saddle seat or seats and propelled by the feet acting on treadles connected to cranks or levers.

**CHIEF OF POLICE.** The Chief of Police of the city or any member of the Police Department of the city designated by the Chief of Police to act in the Chief's place and stead.

**DEALER IN BICYCLES.** Any person engaged in the business of selling bicycles at retail or wholesale.

**LICENSEE.** Any person who procures from the City Clerk of the city a license plate for a bicycle, together with a registration card accompanying the plate.

**RENTAL AGENCY.** Any person engaged in the business of offering for rental and renting bicycles for use by the public.

~~**VEHICLE.** Every device or animal by which any person or property is or may be transported upon a street, alley or public highway.~~

**ROADWAY.** The portion of any alley, street or public highway between the regularly established curb lines, if any, or if there are no regularly established curb lines, then between the two outer edges thereof.

**SIDEWALK.** The portion of a street between the curb line and the abutting property line ordinarily used for pedestrian travel.  
(1991 Code, ' 74.01) (Ord. 1517, passed 3-23-1942)

### ' 74.02 LICENSING PROVISIONS. RESERVED

~~(A) **Required.** Every owner of a bicycle, except a dealer in bicycles, who resides within the city, shall obtain from the City Clerk a bicycle license for each bicycle owned.~~

~~(B) **Procedure.** The City Clerk, upon approval by the Chief of Police, is authorized and directed to issue bicycle licenses. An application for a bicycle license shall be in writing, on the form prescribed by the City Clerk. Each bicycle license, when issued, shall be effective until December 31 next following the date of issue or until the licensee shall sell or transfer title to the bicycle, whichever event first occurs after the license is issued.~~

## Blue Island - Traffic Code

~~(C) License plates.~~ Every person who procures a bicycle license shall receive a metallic license plate, together with a registration card. The metallic license plates and registration cards shall bear consecutive numbers, or combinations of letters with numbers, shall indicate the year for which issued, and shall have stamped thereon the name, *Blue Island*. The license plate shall also be of such size and design as to be read legibly at a distance of 50 feet. The license plate shall be attached by the licensee to a clear and unobstructed location on the rear of the bicycle, shall so remain during the life of the license and shall, at all times, be kept clean. The City Clerk shall keep a record of the date of issue of each license, to whom issued, the number thereof and the number of the bicycle frame and any other information which may aid in identifying the bicycle.

~~(D) Licensing.~~ Bicycles licensed under the provisions hereof shall be re-licensed annually and also within ten days after the sale or transfer to a new owner who resides within the city.

~~(E) License fee.~~ An annual license fee of \$0.25 shall be paid to the City Clerk upon the issuance of each license or the renewal thereof.

~~(F) Inspection.~~ The Chief of Police shall inspect each bicycle previous to the issuance of a license therefor, and the Chief may refuse to approve any bicycle which is not properly equipped or is in an unsafe condition.

~~(G) Frame; serial numbers.~~

~~(1) No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame of a bicycle licensed pursuant to this chapter, nor remove, destroy, mutilate or alter any license plate or registration card during the time for which the license plate or registration card is in force.~~

~~(2) But this chapter shall not prohibit the Chief of Police from stamping, in a distinguishing manner, numbers on the frame of a bicycle upon which no serial number can be found, or upon which the serial number is illegible or insufficient for identification purposes.~~

~~(1991 Code, ' 74.02) (Ord. 1517, passed 3-23-1942)~~

~~Penalty, see ' 74.99~~

### ' 74.03 ~~REPORT OF SALE OR TRANSFER REQUIRED~~RESERVED.

~~Within ten days after the sale or transfer of a licensed bicycle, the licensee thereof shall report to the Chief of Police the sale or transfer and the name and address of the purchaser or transferee and shall surrender to the Chief of Police the licensee's registration card and license plate.~~

~~(1991 Code, ' 74.03) (Ord. 1517, passed 3-23-1942)~~

### ' 74.04 RENTAL AGENCIES.

Bicycles offered for rent by a rental agency shall be equipped by the rental agency with the lights and other appropriate safety equipment required by this chapter and shall be kept in good and safe working order. Rental agencies shall comply, in all respects, with all of the provisions of this chapter, and shall be responsible for the condition of the bicycles they rent. The Chief of Police shall make periodical inspections of rental agencies to ascertain that they are complying with the provisions of this chapter.

~~(1991 Code, ' 74.04) (Ord. 1517, passed 3-23-1942)~~

### ' 74.05 OPERATING REGULATIONS.

(A) *Abreast.* When two or more persons in a group are operating bicycles, they shall not ride abreast, but shall ride in single file.

(B) *Clinging to vehicles.* No person operating a bicycle within the city shall cling or attach himself or herself or his or her bicycle to any other moving vehicle.

(C) *Emerging from alleys, driveways or garages.* The operator of a bicycle emerging from an alley, driveway or garage shall stop the bicycle immediately prior to driving onto or across a sidewalk or onto or across a sidewalk line, projected across an alley and shall exercise extreme care in these cases.

(D) *Extra passengers.* No person operating a bicycle within the city shall carry another person on

the same bicycle. This restriction shall not apply to tandem bicycles.

(E) *Intoxicated; drugs; riding.* No person shall operate a bicycle within the city while under the influence of liquor or drugs.

(F) *Lights.* No bicycle shall be operated within the city between 30 minutes before sunset and 30 minutes before sunrise without a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front thereof for not less than 200 feet, and firmly attached to the bicycle, or without a red reflector, firmly attached to the bicycle, which is clearly visible in the headlight beam of an automobile, for a distance of 200 feet to the rear of the bicycle.

(G) *Place of operation.* Bicycles may not be operated upon any sidewalks.

(H) *Parking.* No person shall at any time place any bicycle or bicycles along buildings in such a manner as to interfere with the ingress or egress thereof or to interfere with pedestrians, or along roadways where they may interfere with traffic or with persons entering or alighting from automobiles. No person shall move or in any manner interfere with any bicycle which is properly parked, nor shall any person interfere or, in any manner, hinder any person from properly parking a bicycle; except that, members of the Police Department or Fire Department may move or, in proper cases, prevent the parking of a bicycle, when, in the judgment of a police officer or firefighter, the member's action is necessary in order to properly safeguard persons or property.

(I) *Right; keep to.* All bicycles, when operated on roadways, shall be kept to the right and shall be operated as nearly as practicable at the right-hand edge of the roadway.

~~(J) *Signaling device.* No person shall operate a bicycle within the city, which is not equipped with a signaling device, in good working order and audible at a distance of 50 feet when sounded.~~

(KJ) *Speed.* No bicycle shall be operated faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the

rider and of other persons and property.

~~(L) *Traffic regulations; observation.* Every person operating a bicycle within the city shall observe all traffic signs and signals, and shall observe all other traffic rules and regulations applicable thereto.~~

(ML) *Reckless riding.* At no time shall a bicycle be ridden in a reckless, careless or negligent manner, or in such a manner as to endanger lives of pedestrians or in such a manner as to interfere with lawful traffic and the use of the streets. Riding without hands on the handlebars, deliberate wobbling from side to side, and other unnecessary and dangerous acts conducive to accidents are considered reckless riding.

(NM) *Turns.* The operator of a bicycle on a roadway, when making a right turn, shall follow the right-hand lane next to the right-hand edge of the roadway, and the operator of a bicycle on a roadway, when making a left turn, shall approach the point of turning in the traffic lane nearest the center of the roadway, and shall not cut the left-hand corner. No operator of a bicycle shall suddenly start, slow down, stop or attempt to turn, without first giving the standard signal required by state law for motor vehicles under the same circumstances.

(1991 Code, ' 74.05) (Ord. 1517, passed 3-23-1942)  
Penalty, see ' 74.99

~~' 74.06 **SUSPENSION AND REVOCATION OF LICENSES; IMPOUNDING OF BICYCLES RESERVED.**~~

## Blue Island - Traffic Code

~~The Chief of Police is authorized and empowered to administer the provisions of this chapter. The Chief of Police is authorized and empowered to suspend for a period of not to exceed 30 days or revoke any license issued under the provisions of this chapter, for any violation thereof, or of any of the ordinances of the city relating to street traffic, insofar as they are applicable, and to impound for a period of not to exceed 30 days any unregistered or improperly registered bicycle, or the bicycle of any person who violates any of the provisions of this chapter, or of the ordinances of the city relating to street traffic, insofar as they are applicable. The action of the Chief of Police in suspending or revoking any license, or impounding a bicycle, as provided in this section, shall be conclusive and final; provided that, any person whose license is suspended or revoked or whose bicycle is impounded by the Chief of Police, may appeal to the municipal court for a hearing upon the matter of the suspension or revocation of such license or the impounding of such bicycle, and the court shall thereupon fix a time and place for such hearing, and in an informal way shall hear such witnesses and consider evidence as may be competent and proper as bearing upon the issues presented, and shall reverse or affirm the action of the Chief of Police or shall make such other order in the case as may seem proper under the provisions of this chapter. The suspension or revocation of a license or the impounding of a bicycle shall not preclude the infliction of any other penalties provided herein, upon the licensee whose license is suspended or revoked, or the person whose bicycle is impounded.~~

~~(1991 Code, ' 74.06) (Ord. 1517, passed 3-23-1942)~~

~~' 74.99 PENALTY.~~

~~Whoever violates any of the provisions of this chapter shall be, upon conviction, punished by a fine of not less than \$1, nor more than \$750, for each offense.~~

~~(1991 Code, ' 74.99) (Ord. 1517, passed 3-23-1942)~~