

CHAPTER 41
TRAFFIC

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41.01 ADOPTION AND INCORPORATION BY REFERENCE OF THE ILLINOIS VEHICLE CODE

Pursuant to Section 20-204 of the Illinois Vehicle Code (625 ILCS 5/20-204), the Village adopts and incorporates by reference the Illinois Vehicle Code and subsequent amendments as the Lake in the Hills Vehicle Code. The section numbers used in the Illinois Vehicle Code shall be identical to those section numbers in the Lake in the Hills Vehicle Code.

41.02 PLACEMENT OF TRAFFIC CONTROL DEVICES

When official traffic control devices are required to be erected by this Chapter 41 or by law it shall be the duty of the Chief of Police, or other person designated by the Board of Trustees, to cause suitable devices to be erected in such areas, if not erected by the Illinois Department of Transportation.

41.03 PARKING DURING SNOWFALL

No person shall allow any vehicle to be parked or remain standing on any street or any right-of-way line of any street of the Village between November 1 in any calendar year and April 1 in the following calendar year during any time of the day or night when there shall be snowfall in excess of one inch, or so long as there shall be snow remaining upon the aforesaid streets or right-of-way

of said streets of one inch; and any person having parked or left standing a vehicle on any street or within the right-of-way of any street of the Village during the aforesaid calendar dates and prior to a snowfall of one inch shall be required to remove said vehicle immediately upon a snowfall of one inch. Failure to remove any such vehicle shall constitute a violation of this Section 41.03.

41.04 WEIGHT LIMITS ON STREETS

A. OVERWEIGHT AND/OR OVERDIMENSION VEHICLES

1. It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the Village, any vehicle or combination of vehicles exceeding the size and weight limitations stated in the Illinois Compiled Statutes, Chapter 625 Sections 5/15-102 (width), 5/15-103 (height), 5/15-107 (length), and 5/15-111 (weight).
2. Size and weight limitations while operating on Village streets shall not apply to fire apparatus or equipment for snow or ice removal operations owned or operated by or for any Governmental body or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor and to any vehicle or combination of vehicles operating under the terms of a valid oversize and/or dimension permit issued by the Village under the authority of this Ordinance.
3. Where lower size and weight limits or other restrictions are imposed by ordinance under authority of the Illinois Compiled Statutes, Chapter 625 Sections 5/15-316 and 5/15-317, and signs indicating such limitations or restrictions are posted it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions.
4. It shall be unlawful to operate any "construction vehicle" as defined herein on any street in the municipality when signs are posted on that street

prohibiting "Construction Vehicle". "Construction Vehicle" shall be defined as: "Any vehicle over ten thousand (10,000) pounds actual weight, registered gross weight or G.V.W.R. that is required to comply with Illinois Compiled Statutes, Chapter 625 Sections 5/12-712 and 5/12-713 on identification required to be displayed.

5. Whenever any vehicle or combination of vehicles is operated in violation of Section 41.04, the owner and/or driver of such vehicle shall be deemed guilty of such violation and either or both the owner or driver of such vehicle(s) may be Prosecuted for such violation.

B. PERMITS FOR OVERWEIGHT AND/OR OVERDIMENSION VEHICLES

1. The Village with respect to any street or highway under its jurisdiction may upon application to the Village Engineer on forms provided by the Village and good cause being shown therefore, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Section 41.04. The applicant shall furnish the following information in the special permit application:
 - a. The name and address of the owner or lessee of the vehicle;
 - b. Applicant's name;
 - c. Type of permit request whether it is for a single trip, round trip, or multiple routing;
 - d. The description and registration of the power unit;
 - e. Description of the object or vehicle to be moved;
 - f. The number of axles of the vehicle or combination of vehicles;
 - g. The axle weights of all single, tandem or series axles;

- h. Gross weight of vehicle;
 - i. The width, length and height of the vehicle and load;
 - j. The origin of the load within Illinois or state line if the origin is outside the jurisdiction of the Village, copies of all county and/or state of Illinois permits must be attached to the application prior to approval and issuance of a Village special permit;
 - k. Requested routing over Village streets and to specific location.
2. The owner or his agent shall submit an application fee of \$50.00 for a single routing which will be valid for seven calendar days, \$80.00 for a round trip routing valid for fourteen calendar days and \$150.00 for a multiple routing valid for a period not to exceed one hundred twenty calendar days. Permits are valid only for the date(s) specified on the permit and for the specific vehicle, load and routing as established by the Village Engineer or designee. No substitution of vehicle, load or routing is permitted without expressed written Permission by the Village Engineer and carried in the vehicle to which the permit applies.
3. The Village Engineer is authorized to approve the application for approved routes. Upon approval and payment of all required fees the Village Engineer shall issue a permit allowing passage of the oversize and/or overweight vehicle(s) over Village streets. The permit shall be specific and contain:
- a. Permit number;
 - b. The date(s) the permit is valid;
 - c. Whether the permit is single, round or multiple routing;
 - d. The description of object or vehicle to be moved;
 - e. Authorized gross weight, axle weights, width,

length and height;

- f. The authorized routing over Village streets including the origin and termination point within the Village;
- g. The fee paid;
- h. The date and signature of the Village Engineer or his or her designee.

In addition the permit will specify general conditions that the permittee must comply with that are consistent and reasonable for the protection of the general public and Village streets. A copy of all permits issued will be provided to the Chief of Police and Director of Public Works for information and compliance.

- 4. It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking of the permit move is deemed Prima Facie evidence of acceptance of the permit and that:
 - a. The permittee is in compliance with all operation requirements;
 - b. All dimension and weight limitations specified in the permit will not be exceeded;
 - c. All operation, registration and license requirements have been complied with;
 - d. All financial responsibilities, obligations and other legal requirements have been met;
 - e. The permittee assumes all responsibility for injury or damage to persons or to public or private property, including his or her own, or to the object being transported caused directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit. He or she agrees to hold the Village harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the Village for any claim it may be required to pay arising from the movement.

5. The permit shall be carried in the vehicle to which the permit applies at all times while operating on streets within the village and shall be exhibited upon demand to any enforcement officer, police officer or other authorized official of the Village.
6. Whenever any vehicle is operated in violation of the provisions of a Village permit, whether it be by size, weight or general provisions, and either or both the owner or driver of such vehicle shall be deemed guilty and either or both the owner or the driver of such vehicle may be prosecuted for such violation.

C. VEHICLES PROHIBITED ON CERTAIN STREETS

As provided under the authority of Illinois Compiled Statutes, Chapter 625, Section 5/15-316, it shall be unlawful to operate any vehicle upon any street where the operation of that vehicle is prohibited by ordinance and where signs of such prohibition are posted.

41.05 ALL NIGHT PARKING

A. When signs are erected at entrances of highways into the Village giving notice thereof, no person, firm or corporation shall allow any vehicle to be parked or remain standing on any paved portion of the street that is used by the public for the purposes of vehicular travel for a period of more than 30 minutes between the hours of 2 a.m. and 6 a.m. on any day, unless specifically authorized by the Chief of Police.

B. When signs are erected at any Village owned or leased parking lot, or any other Village owned or leased property, no person, firm or corporation shall allow any vehicle to be parked or remain standing on any Village owned or leased parking lot or any other Village owned or leased property between the hours of 10 p.m. and 6 a.m. unless specifically authorized by the Chief of Police.

C. When signs are erected at any Village owned or leased parking lot, or any other Village owned or leased property, no person, firm or corporation shall allow any vehicle to remain parked or standing on any Village owned or leased parking lot or any other Village owned or leased property for a period exceeding three hours in duration, during the hours of 6 a.m. and 10 p.m., unless specifically authorized by the Chief of Police.

41.06 EXCEPTION TO SECTION 41.05, ALL NIGHT PARKING

A. DEFINITIONS: In addition to the definitions found in Appendix A of this Code, terms used herein shall have the following meanings:

1. Available Parking Space: That space, both indoor and outdoor, located upon private property within the Village that was originally designed to serve as parking space for motor vehicles and is not occupied by a motor vehicle.
2. Parking Permit: A parking permit issued by the Lake in the Hills Police Department.
3. Parking Space: Available space in a driveway, as well as indoor garage space.

B. INTENT: The intent of this exception to Section 41.05 of the Code is to allow for the parking of motor vehicles overnight on designated streets in the Village in order to accommodate special needs that may arise with regard to parking space shortage and hardships. This exception applies only to overnight parking restrictions and does not exempt compliance with all other ordinances of the Village regarding motor vehicles. The exception will only be granted on streets or portions of streets where the paved portion of the street is not less than 35 feet wide and designated in Section 41.06-G herein.

C. A street, or a portion of a street, shall only be exempt from Section 41.05 of the Code when designated by ordinance.

D. SIGNS, PERMITS: Any street designated for authorized overnight parking with a parking permit shall have appropriate signs stating that all parking between the hours of 2 a.m. and 6 a.m. shall be by permit parking only. Parking permits shall only be issued by the Lake in the Hills Police Department.

E. No person, firm or corporation shall allow any motor vehicle to be parked or remain standing on any street or right of way of said street within the Village between the hours of 2 a.m. and 6 a.m. that is posted "Permit Parking Only Between the Hours of 2 a.m. and 6 a. m." unless the motor vehicle has a valid parking permit or unless other authorization, as provided by ordinance, has been granted by the Police Department.

F. PARKING PERMITS:

1. A fee of \$10 shall be paid at the time a parking permit is issued.
2. All parking permits shall be valid for a period of one year, beginning at 12 a.m. January 1 and expiring at midnight on December 31 of the same year.
3. Parking permits shall be issued for use on specific authorized streets within the Village and shall only be valid for the location indicated on the parking permit.
4. Parking permits shall be issued on a first come, first serve basis, and shall be limited to the number of parking spaces available for each location.
5. Parking permits shall be issued only to Village residents based on the following restrictions:
 - a. The applicant maintains residency on the street the permit is being requested for; and
 - b. At the address of the applicant the number of registered drivers and an equal number of motor vehicles registered to the applicant's address, exceeds the available parking spaces at the applicant's address; or
 - c. The applicant requesting the parking permit has a business vehicle, leased or owned as such, and the number of motor vehicles is one greater than the number of registered drivers at the applicant's address, and the total number of motor vehicles, including the business vehicle, exceed the available parking spaces at the applicant's address; or
 - d. The applicant is disabled and a parking permit will aid the applicant in the parking and/or operation of the motor vehicle; or
 - e. The applicant is experiencing hardship in relationship to parking motor vehicles, not defined herein above. In reviewing such

applications, the Police Department shall consider if the situation is beyond the control of the applicant. Convenience by itself shall not be considered a hardship.

6. No more than one parking permit shall be issued to a single address.
7. Each parking permit shall be assigned to a specific motor vehicle.
8. No parking permit shall be transferred to another motor vehicle.
9. Parking permits shall be prominently displayed in the rear, driver's side window while parking on the designated street between the hours of 2 a.m. and 6 a.m.
10. No vehicle issued a parking permit shall remain parked on a street for more than seven consecutive days without being moved.

G. DESIGNATED PERMIT PARKING STREETS:

1. In order for the Village to determine whether a residential district should be designated exempt from Section 41.05, All Night Parking, of the Code, the Village Board shall conduct a public hearing. Notice of said hearing shall be published in a newspaper of general circulation within the Village at least 15 days prior to the hearing. Said notice shall state the purpose, time and location of the public hearing, the location boundaries of the exemption from Section 41.05 and any proposed parking permit fees to be charged. In addition, this notification shall be prominently posted in the proposed exemption area. During such public hearing any interested person shall be entitled to appear, to be heard and to submit a written statement for the record.

Within 30 days after the hearing, the Village Board shall make a determination as to whether or not the exemption from overnight parking restrictions shall apply to the proposed area, and shall pass an ordinance amending Subsection 41.06-G-2.

2. The following streets are exempt from Section 41.05 of the Code and permit parking shall be permitted:
 - a. The entire length of Village Creek Drive, on the west side of the street only.

H. EXTENDED GUEST PARKING:

1. The Police Department shall have the authority to grant extended guest parking on any street within the Village.
2. Extended guest parking shall not be issued if parking space is available at the residence where the guest is staying.
3. A permit shall not be required for extended guest parking. However, it shall be the responsibility of the resident the guest is visiting, or the guest, to contact the Police Department with the following information before extended guest parking commences:
 - a. Name and address of the owner of the motor vehicle;
 - b. Description of the motor vehicle, including its license plate number; and
 - c. Length of stay of the guest.
4. Extended guest parking may be authorized by the Police Department for a period of up to 30 days. No more than two extended guest authorizations shall be issued to the same person or for the same motor vehicle in any given calendar year.

41.07 PERSONS WITH DISABILITIES - PARKING PRIVILEGES - EXCEPTIONS

A motor vehicle bearing registration plates issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Section 3-616 or to a disabled veteran pursuant to Section 3-609 or a special decal or device issued pursuant to Section 3 -616 or pursuant to Section 11-1301.2 of the Illinois Vehicle Code or a motor vehicle registered in another jurisdiction, state district, territory of foreign country upon which is displayed a registration plate, special decal or device issued by the other jurisdiction

designating the vehicle is operated by or for person with disabilities shall be exempt from the payment of parking meter fees and exempt from any statute or ordinance imposing time limitations on parking, except limitations of one-half hour or less, on any street or highway zone, or any parking lot or parking place which are owned, leased or owned and leased by the Village or a Village parking utility; and shall be recognized by state and Village authorities as a valid license plate or parking device and shall receive the same parking privileges as residents of this state; but, such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Any motor vehicle bearing registration plates or special decal or device specified in this Section or in Section 3-616 of the Illinois Vehicle Code or such parking device as specifically authorized in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran may park, in addition to any other lawful place, in any parking place specifically reserved for such vehicles by the posting of an official sign as provided under Section 11-301 of the Illinois Vehicle Code. Parking privileges granted by this section are strictly limited to the person to whom the special registration plates, special decal or device were issued and to qualified operators acting under his express direction while the person with disabilities is present. A person to whom privileges were granted shall, at the request of a police officer or any other person invested by law with authority to direct, control, or regulate traffic, present an identification card with a picture as verification that the person is the person to whom the special registration plates, special decal or device was issued. Such parking privileges granted by this ordinance are also extended to motor vehicles of not-for-profit organizations used for the transportation of persons with disabilities when such vehicles display the decal or device issued pursuant to Section 11-1301.2 of the Illinois Vehicle Code. No person shall use any area for the parking of any motor vehicle pursuant to Section 11-1303 of the Illinois Vehicle Code or where an official sign controlling such area expressly prohibits parking at any time or certain hours.

41.08 SPEED LIMIT

A. 25 MILES PER HOUR: It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code

(Chapter 41.01, paragraph 11-601) is greater than is reasonable or safe with respect to the conditions found to exist on Village Streets within the Corporate Limits of the Village of Lake in the Hills.

Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for all Village streets is 25 miles per hour unless specifically amended herein.

B. 30 MILES PER HOUR: It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code (Chapter 41.01, paragraph 11-601) is reasonable or safe with respect to the conditions found to exist on Albrecht Road between Lakewood Road and Miller Road. Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for Albrecht Road between Lakewood Road and Miller Road, is 30 miles per hour.

C. 35 MILES PER HOUR: It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code (Chapter 41.01, paragraph 11-601) is less than is reasonable or safe with respect to the conditions found to exist on Frank Road, between Miller Road and Algonquin Road; Miller Road west of Lakewood Road; and on Haligus Road from Miller Road to the southern corporate boundary with the Village of Huntley. Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for Frank Road between Miller Road and Algonquin Road, Miller Road west of Lakewood Road, and Haligus Road from Miller Road to the southern corporate boundary with the Village of Huntley is 35 miles per hour.

D. 40 MILES PER HOUR: It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code (Chapter 41.01, paragraph 11-601) is less than is reasonable or safe with respect to the conditions found to exist on Haligus Road, from the northern limits of the Village to Miller Road; Miller Road, between Frank Road to Lakewood Road; and Swanson Road, north of Miller Road. Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for Haligus Road from the Northern limits of the Village to Miller Road; Miller Road, between Frank Road to Lakewood Road; and Swanson Road, north of Miller Road, is 40 miles per hour.

E. 45 MILES PER HOUR:

1. It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code (Chapter 41.01, paragraph 11-601) is less than is reasonable or safe with respect to the conditions found to exist on Reed Road west of Lakewood Road. Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for Reed Road, west of Lakewood Road is 45 miles per hour.
2. It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code (Chapter 41.01), paragraph 11-601) is less than is reasonable or safe with respect to the conditions found to exist on Reed Road west of Haligus Road to the western limits of the Village. Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for Reed Road west of Haligus Road to the western limits of the Village, is 45 miles per hour.

F. 55 MILES PER HOUR: It is hereby determined upon the basis of a traffic investigation that the present speed limit prescribed in 625 ILCS 5/11-601 and Section 11-601 of this Code (Chapter 41.01, paragraph 11-601) is reasonable or safe with respect to the conditions found to exist on Pingree Road, between Rakow Road and Virginia, within the Corporate Limits of the Village of Lake in the Hills. Accordingly, the Village hereby determines and declares that the maximum speed limit which is reasonable and safe for Pingree Road, between Rakow Road and Virginia, is 55 miles per hour.

41.09 PARKING ON PRIVATE PROPERTY

A. PARKING SPACE DESCRIPTION: A required off-street parking space shall be an area of not less than 162 square feet nor less than 8 feet wide by 19 feet long, exclusive of access driver or aisles, ramps, columns or office and work areas accessible from streets or alleys or from private driveways or aisles leading to streets or alleys.

B. SURFACING: All open off-street parking areas shall be improved with a compacted macadam base, not less than four inches

thick, surfaced with a minimum of two inches compacted asphaltic concrete or some comparable all-weather, dustless material.

C. PARKING OF MOTOR VEHICLES: Parking of motor vehicles on private property in the Village is prohibited except on parking spaces as defined herein. Parking on lawn or other undefined areas is specifically forbidden.

41.10 NO PARKING

A. DEFINITIONS: Terms used in this Section 41.10 shall mean the following:

1. Park or parking: The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading and unloading merchandise or passengers.
2. Street: The entire width between the boundary line of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
3. 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, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Illinois Snowmobile Registration and Safety Act (625 ILCS 40/1-1).

B. PARKING PROHIBITED:

1. No person shall park a vehicle at any time on the paved portion of any of the following described streets where said portion of street is used by the public for the purposes of vehicular travel:
 - a. The entire length of Crystal Lake Road;
 - b. The entire length of Hiawatha Drive;
 - c. The entire length of Hilltop Drive;
 - d. The entire length of Indian Trail;
 - e. The entire length of Miller Road;

- f. The entire length of East Oak Street;
- g. The entire length of Willow Street;
- h. The entire length of the north side of West Pheasant Trail. The south side of West Pheasant Trail, from 10 West Pheasant Trail to Village Creek Drive;
- i. The entire length of the east side of Village Creek Drive;
- j. Harvest Gate from the eastern intersection with Polaris Drive to the western intersection with Polaris Drive;
- k. Halfmoon Gate from Miller Road to Starwood Pass;
- l. Heavens Gate from Miller Road to Starwood Pass and Heavens Gate 156 feet south of Starwood Pass;
- m. The even numbered address side of Heartland Gate from Miller Road to Starwood Pass and the odd numbered address side of Heartland Gate within fifteen feet of where it intersects with Northlight Pass;
- n. The even numbered address side of the entire length of Northlight Pass and the odd numbered address side of Northlight Pass within fifteen feet of where it intersects with Heartland Gate;
- o. The entire length of Haligus Road;
- p. Harvest Gate from Algonquin Road to the south end of the property located at 461 Harvest Gate;
- q. Polaris Drive from Randall Road to Harvest Gate;
- r. The entire length of Village Hall Drive;

- s. The West side of the paved section of Hickory Road, between Lake Street and Pheasant Trail.
 - t. The east side of Lakewood Road from Spencer Place to South Annandale Drive.
 - u. The entire length of Village Creek Drive; No parking within ten feet of a driveway entrance or U.S. Postal Service mailbox.
2. No person shall park a vehicle at any of the following described locations:
- a. The west side of the entire length of the drive from Haligus to the Public Works Facility located at 9010 Haligus Road.
 - b. Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. on the east side of the entire length of the drive from Haligus Road to the Public Works Facility located at 9010 Haligus Road.

C. PARKING FOR CERTAIN PURPOSES PROHIBITED:

1. No person shall park a vehicle upon any street for the principal purpose of:
- a. Displaying such vehicle for sale;
 - b. Greasing or repairing such vehicle, except repairs necessitated by an emergency;
 - c. Displaying merchandise for sale or for advertising purposes.
2. No person shall park a vehicle upon any private or public parking lot for the principal purpose of displaying such vehicle for sale with the exception of private residential driveways and private non-residential lots that are part of a business licensed to sell vehicles. This shall not apply to vehicles parked on private, non-residential lots and the vehicle is properly licensed either under the name of the commercial enterprise or the principal owner of said commercial enterprise that owns said private non-residential lot.

- a. For purposes of this section, a vehicle shall be defined as to include, but not limited to, motor vehicles, motor homes, trucks, boats, recreational vehicles and motorcycles.

D. UNAUTHORIZED USE OF PARKING PLACES RESERVED FOR PERSONS WITH DISABILITIES:

1. It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals or devices issued to a person with disabilities, as defined in Section 1-159.1, pursuant to Sections 3-616, 11-1301.1, or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of the Illinois Vehicle Code, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301 of the Illinois Vehicle Code, for motor vehicles bearing such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. Any motor vehicle properly displaying a disability license plate or a parking decal or device containing the International symbol of access issued to persons with disabilities by any local, state, district, territory or foreign country shall be recognized as a valid license plate or device and receive the same parking privileges as residents of this State.
2. An individual with a vehicle bearing a person with disabilities license plate or parking decal or device issued to a disabled person under Section 3-616, 11-1301.1, or 11-1301.2 of the Illinois Vehicle Code is in violation of this section if the person is not the authorized holder of a person

with disabilities license plate or parking decal or device and is not transporting the authorized holder of a person with disabilities license plate or decal or device to or from the parking location and the person uses the person with disabilities license plate or parking decal or device to exercise any privileges granted through the person with disabilities license plate or parking decal or device under this Ordinance. Any motor vehicle bearing a person with disabilities license plate or a person with disabilities parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory of foreign country shall be recognized by the Village as a valid license plate or device or decal and receive the same parking privileges as residents of the Village.

3. Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the police department, remove or cause to be removed to a place designated by the police department any vehicle parked within a stall or space reserved for use by a person with disabilities registration plate which does not display person with disabilities registration plates or special decal or device as required under this Ordinance.
4. Whoever violates any provision of this sub-section 41.10-D shall be fined \$350 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Ordinance. The Village shall have the authority to require any changes to be posted on all signs. It shall not be a defense to a charge under this Section that either the sign posted pursuant to this Section or the intended accessible parking place does not comply with the technical requirements of Section 11-301 or of this ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.
5. As used in this Ordinance, "authorized holder" means an individual issued a person with

disabilities license plate under Section 3-616 of the Illinois, an individual issued a person with disabilities parking decal or device under Section 11-1301.2 of the Illinois Vehicle Code, or an individual issued a disabled veteran's plate under Section 3-609 of the Illinois Vehicle Code.

E. EXCEPTIONS: The Chief of Police, or his duly authorized representative, may grant an exception to the parking restrictions set forth in this Section 41.10 for a specified length of time if circumstances arise that dictate the need for said exception, as determined by the Chief of Police, or his duly authorized representative.

F. FINE: Every violation of this Section 41.10, unless otherwise noted, shall be punishable by a fine of not less than \$25.00 nor more than \$500.00 for each violation. For purposes of this section, each 24 hour period a vehicle is parked in violation of the Section 41.10 shall be considered a separate violation

41.11 YIELD AND STOP INTERSECTIONS

A. The Village may designate any road, street or highway, under its jurisdiction, a through highway as authorized by the Illinois Vehicle Code.

B. The Village may designate any intersection under it's jurisdiction as a stop or yield intersection. Every stop or yield sign shall conform to the State Manual and Specifications and shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the line of the nearest intersecting road, street or highway.

41.12 TRAFFIC ENFORCEMENT ON CERTAIN PROPERTY

A. CONTRACTS: Pursuant to 625 ILCS 5/11-209, the Village shall contract with school boards, hospitals, churches and shopping center and apartment complex owners for the regulation of traffic. The provisions contained in this Chapter 41 and 625 ILCS 5/11-209 shall be applicable to the property that is subject to such contracts and the Village shall have the authority to enforce said regulations as established by said contracts.

B. PRIVATE STREETS AND ROADS: Pursuant to 625 ILCS 5/11-209.1, person(s) or board of directors owning, operating or representing a residential subdivision, development, apartment house or apartment project containing a minimum of 10 apartments or

single family residences may request in writing that the Police Department enforce the provisions of the Illinois Vehicle Code on all private streets or roads open to or used by the tenants, owners, employees or the public for the purposes of vehicular traffic by permission, and not as a matter of public right. The provisions contained in this Chapter 41 and 625 ILCS 5/11-209.1 shall be applicable to the property that is subject to such written requests and the Village shall have the authority to enforce said regulations as provided herein.

41.13 COMPRESSION/RELEASE ENGINE BRAKE USE PROHIBITED

No person shall operate or cause to be used or operated within the Village any compression/release engine brake on any vehicle for any reason. For purposes of this Section 41.13, compression/release engine brake is defined as any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in excessive, loud, unusual or explosive noise from such vehicle, or otherwise known as jake-braking.

41.14 AUTOMATED TRAFFIC LAW ENFORCEMENT

A. **DEFINITIONS:** In addition to the definitions found in Appendix A of this Code, terms used herein shall have the following meanings:

Administrative Hearing Officer: An individual who is not an employee of the Police Department, and who is appointed by the Village to serve as the Hearing Officer for matters set forth under this Code. The Administrative Hearing Officer shall be responsible for the operation of an administrative adjudication system for Automated Traffic Law Violations.

Traffic Administrator: The Village's Traffic Control Administrator.

Automated Traffic Law Violation: A violation described in Section 11-208.6 of the Vehicle 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 Section 11-306 of the Vehicle Code or a similar provision of a Village ordinance.

Certified Report: A report concerning five or more unpaid fines or penalties for Automated Traffic Law Violations made by the Village

to the Secretary in accordance with Section 6-306.5 of the Vehicle Code.

Determination Notice: A notice of final determination of Automated Traffic Law Violation liability issued pursuant to Section 11-208.3 of the Vehicle Code and pursuant to the provisions of this Section.

Recorded Images: Images showing the time, date and location of an Automated Traffic Law Violation recorded by an Automated Traffic Law Enforcement System on: (i) two or more photographs, (ii) two or more microphotographs, (iii) two or more electronic images or (iv) 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's license suspension issued pursuant to Section 11-208.3 of the Vehicle Code and pursuant to the provisions of this Section.

System: Individually, an Automated Traffic Law Enforcement System or, collectively, Automated Traffic Law Enforcement Systems established in the Village pursuant to this Section.

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

Violation Notice: An Automated Traffic Law Violation notice issued pursuant to Sections 11-208.3 and 11-208.6 of the Vehicle Code and pursuant to the provisions of this Section.

B. SYSTEMS ESTABLISHED: The Village hereby determines to establish Systems at the following intersections located within the corporate limits of the Village:

1. Randall Road and Miller Road
2. Randall Road and Acorn Lane

C. OFFICE OF TRAFFIC ADMINISTRATOR: There is hereby established the office of Traffic Administrator, who shall be appointed by the Chief of Police or his/her designee. The Traffic Administrator or his/her designee shall be authorized to adopt, distribute and process Violation Notices and other notices required by Section 11-208.3 of the Vehicle Code, collect money paid as fines and penalties for Automated Traffic Law Violations. The Traffic Administrator or his/her designee is also authorized to make a Certified Report to the Secretary pursuant to Section 6-306.5 of the Vehicle Code. Any such Certified Report shall contain

the information required under Section 6-306.5(c) of the Vehicle Code.

D. VIOLATION NOTICE: A Violation Notice, the contents of which shall comply with the requirements of Sections 11-208.3 and 11-208.6 of the Vehicle Code, as amended, shall be served by certified 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 Village of the identity of the owner 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 Traffic Administrator or his/her designee and shall be a record kept in the ordinary course of business. A Violation Notice issued, signed and served in accordance with this Section and Section 11-208.3 of the Vehicle Code, and 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 may be admissible in any proceedings resulting from the issuance of a citation.

E. ISSUANCE OF CITATION: Before a citation is issued for any Automated Traffic Law Violation, a determination shall be made by a technician employed or contracted by the Village, based on inspection of Recorded Images generated by the System; that the motor vehicle was being operated in violation of Section 11-208.6 of the Vehicle Code or a Village ordinance. 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. If it is determined that a Uniform Traffic Citation was issued by a Police Officer for the same violation of the law occurring at the same time and location, an Automated Traffic Law Violation citation shall not be issued.

F. HEARING: 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. The person conducting the hearing on behalf of the

Administrative Hearing Officer or his/her designee 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.

G. FINAL DETERMINATION: 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 mailed notice, the Hearing Officer's determination of violation liability shall become final: (i) upon denial of a timely petition to set aside that determination, or (ii) upon expiration of the period for filing such a petition without a filing having been made.

H. DETERMINATION NOTICE SERVICE: A Determination Notice, the contents of which shall comply with the requirements of Section 11-208.3 of the Vehicle 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 Section 11-208.3 of the Vehicle 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 Section 11-1306 of the Vehicle 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.

I. APPEAL: A person owing an unpaid fine or penalty for an Automated Traffic Law Violation penalty may file a petition to set aside a final determination of such liability within 30 days after service by the Village of a Determination Notice. Such a petition shall be filed by sending the same, together with any documentation in support thereof, to the Administrative Hearing Officer by certified mail, return receipt requested, or by personal delivery to the Administrative Hearing Officer. The grounds for such a petition shall be limited to: (i) the person not having been the owner or lessee of the cited vehicle on the date the Violation Notice was issued, (ii) the person having already paid the fine or penalty for the violation in question, and (iii) excusable failure

to appear at or request a new date for a hearing. A hearing on such a petition shall be held within 30 days after the filing of same. In the event 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.

J. SUSPENSION NOTICE: A Suspension Notice, the contents of which shall comply with the requirements of Sections 6-306.5 and 11-208.3 of the Vehicle 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.

K. CHALLENGE TO CERTIFICATION: If the Traffic Administrator or his/her designee 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 Traffic Administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the Certified Report: (i) that the person was not the owner or lessee of the subject vehicle or vehicles receiving five or more Automated Traffic Law Violations on the date or dates such Violation Notices were issued, or (ii) that the person already paid the fines or penalties for the five or more Automated Traffic Law Violations indicated on the Certified Report. Such statement and supporting documentation shall be sent to the Traffic Administrator by certified mail, or hand-delivered to the Traffic Administrator within five days after the person receives notice from the Secretary that the person's driver's license will be suspended at the end of a specified period of time unless the Secretary is presented with a notice from the Village certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the Certified Report was in error.

L. CONTESTING VIOLATIONS: A person who receives a Violation Notice 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 Administrative Hearing Officer via certified mail, return receipt requested, within 30 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 Administrative Hearing Officer or his designee shall rule on such a statement within 10 days after receipt of same and shall inform the non-resident of the decision within 10 days thereafter.

M. PENALTY: Unless the driver of the motor vehicle cited for an Automated Traffic Law Violation received a Uniform Traffic Citation from a Police Officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of \$100 per violation. In the event such penalty is not paid within 30 days after service of a Violation Notice, the penalty shall increase to \$200.

41.15 CARELESS DRIVING

It shall be unlawful for any person to drive carelessly within the Village. For purposes of this Section, careless driving is failure to maintain a vehicle under control, exceeding the posted speed limit by more than 10 miles per hour or operating a vehicle in any manner other than as permitted by law. Any person who violates any provision of this Section may have conditions imposed by the court, including but not limited to victim impact panel, attendance at traffic safety school, drug and alcohol substance abuse counseling and payment of applicable fines, not to exceed \$2,500.

41.16 PENALTY

A. All penalty provisions contained or referred to or incorporated in Section 41.01 are also adopted and incorporated, including but not limited to those contained in the Unified Code of Corrections (730 ILCS 5/1-1-1 et seq.), as Section 41.01 of the Lake in the Hills Municipal Code, Section 41.01 pars. 1-100 et seq.; 11-100 et seq.; 12-100 et seq.; 15-100 et seq.; 16-101 et seq.; and 20.101 et seq.), with the exception of the fine penalties listed for persons found guilty of violating Section 41.01, pars. 6-303; 11-501(a)(1); 11-501(a)(2); 11-501(a)(3); and 11-501(a)(4). Any person found guilty of violating Section 41.01, par. 6-303 shall be fined not less than \$250.00 nor more than \$1,000.00. Any person found guilty of violating Section 41.01, pars. 11-501(a)(1); 11-501(a)(2); 11-501(a)(3); and 11-501(a)(4) shall be fined not less than \$750.00 nor more than \$1,000.00. All other penalties listed for violations of these offenses shall be applicable.

B. Except as otherwise provided herein, every violation of this Chapter 41 shall be punishable by a fine of not less than \$25.00 nor more than \$500.00 for each violation and be responsible for the Village's cost of prosecution, including attorney's fees.

Each 24-hour period shall be considered a separate violation.

Recodified 05-27-04

Recodified 08-12-04

Amended 10-14-04

Amended 08-11-05

Amended 07-27-06

Amended 11-09-06

Amended 06-14-07

Amended 07-26-07

Amended 02-14-08

Amended 06-12-08

Amended 10-08-09

Amended 12-09-10

Amended 09-13-12

Amended 10-25-12

Amended 02-14-13

Amended 12-12-13

Amended 04-24-14