

## ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 15 ("MOTOR VEHICLES AND TRAFFIC"), ARTICLE 5 ("SCHEDULE OF FINES AND PENALTIES FOR CERTAIN MINOR TRAFFIC VIOLATIONS, PARKING AND VEHICLE LICENSE VIOLATIONS"), SECTION 15-5-5 ("SPECIFIC VIOLATION OF THE ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE") OF THE OAK PARK VILLAGE CODE TO ADOPT BY REFERENCE 625 ILCS 5/11-1308, ("UNAUTHORIZED USE OF PARKING PLACES RESERVED FOR ELECTRIC VEHICLES")**

**WHEREAS**, the Village of Oak Park (the "Village") is a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the "powers and functions of home rule units shall be construed liberally," and written "with the intention that home rule units be given the broadest powers possible," *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, pursuant to the Village's home rule authority, the Village Board has determined to adopt by reference 625 ILCS 5/11-1308 to enforce the state statute prohibition against the use of parking places reserved for electric vehicles and to update the Village Code to delete various provisions of the Illinois Vehicle Code that were previously adopted by reference and have since been repealed.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 15 ("Motor Vehicles and Traffic"), Article 5 ("Schedule of Fines and Penalties for Certain Minor Traffic Violations, Parking and Vehicle License Violations"), Section 5 ("Specific Violations of the Illinois Vehicle Code Adopted by Reference") of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language as follows:

**15-3-18: SPECIFIC VIOLATION OF THE ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE:**

The following violations of 625 Illinois Compiled Statutes, the Illinois Vehicle Code, are hereby adopted by reference:

5/3-112(b)	Failure to transfer certificate of title
5/3-401(a)	No valid registration - never applied
5/3-404	No bill of lading or manifest/dispatch record

5/3-411	Failure to carry registration card or reciprocity permit - second division vehicle
5/3-413(a,b)	Improper display of license plates
5/3-413(f)	Operation of vehicle with expired registration plate or sticker
5/3-416	Failure to notify the Secretary of State of name/address change
5/3-417(a)	Failure to immediately apply for replacement registration card, plate or sticker
5/3-701(1)	No valid registration - no valid plate or sticker obtained
5/3-701(2)	No valid registration - reciprocity, prorate or apportionment
5/5-201(h)	No in-transit plates
5/5-202(e)	Failure to display three (3) tow truck plates
5/11-1304.5	Parking of vehicle with expired registration. No person may stop, park or leave standing upon a public street, highway, roadway or in a public parking facility or lot, a vehicle upon which is displayed as Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under section 3-414 or 3-414.1 of the Illinois Vehicle Code.
<u>5/11-1308</u>	<u>Unauthorized use of parking places reserved for electric vehicles</u>
5/11-1419.01	Failure to display Illinois Motor Fuel Tax identification card
5/11-1419.02	Failure to display external Illinois Motor Fuel Tax identification device
5/11-1507(a)	Operation of bicycle without lamp and reflector
5/11-1507.1	Operation of motorized pedal cycle without lamp and reflector
5/12-101(a)	Operation of vehicle with unsafe equipment
5/12-201(a)	Operation of motorcycle without lighted headlamp
5/12-201(b)	Driving vehicles other than motorcycles without two (2) lighted headlamps and taillamps when required
5/12-201(c)	No white rear registration light

5/12-202(a,b)	Insufficient clearance, identification or side marker lamps and reflectors - second division vehicle
5/12-203(a)	Failure to use parking lights while vehicle is standing on highway
5/12-204	Improper lamp or flag on projecting load
5/12-205	Improper use of lamps on towing and towed vehicles
5/12-207(a)	Improper use of more than one spot lamp
5/12-207(b)	Improper use of more than three (3) auxiliary driving lamps
5/12-208(a)	No stop signal lamp or device
5/12-209(c)	Defective backup lights
5/12-210(a)	Failure to dim headlights/auxiliary driving lamps within five hundred feet (500') on approach of vehicle
5/12-210(b)	Failure to dim headlights/auxiliary driving lamps within three hundred feet (300') of vehicle in same direction
5/12-211(a)	Improper lighting on vehicles other than motorcycles - only one headlamp
5/12-211(b)	Improper use of more than four (4) lighted headlights/auxiliary driving lamps
5/12-212(a)	Improper use of red light visible from front of vehicle
5/12-212(b)	Unlawful use of flashing lights
5/12-215	Unlawful use of oscillating, rotating or flashing lights
5/12-301	Use of defective brakes
5/12-401	Unlawful use of metal studded tire
5/12-405(d)	Use of unsafe tire
5/12-501(a)	Operation of vehicle without windshield
5/12-502	Operation of vehicle without rear reflecting mirror
5/12-503(a)	Obstructed view of windshield or side windows adjacent to driver
5/12-503(b)	Unlawful application of tinted film to windshield or window(s) adjacent to driver - all vehicles manufactured after December 31, 1981
5/12-503(c)	Obstructed view of any window by stationary or suspended object(s)
5/12-503(d)	Operation of vehicle without windshield cleaning device; operation of vehicle with view obstructed by snow, ice or moisture

5/12-503(e)	Obstructed view due to defective condition or repair of any window
5/12-601(a)	Operation of vehicle with defective horn
5/12-601(b)	Unlawful possession or use of siren
5/12-602	Operation of vehicle with defective or modified exhaust system
5/12-603(b)	Operation of vehicle without two (2) front seat safety belts - vehicles of 1961 or later model years
5/12-603.1	Failure of driver/front seat occupant(s) to use seat safety belt
5/12-604(a)	Operation of vehicle with television receiver visible to driver
5/12-606	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
5/12-607(a)	Operation of vehicle with unlawfully altered vehicle suspension system - body lifted in excess of three inches (3") from chassis
5/12-607.1(a)	Operation of first division vehicle with frame in excess of twenty two inches (22") above ground
5/12-607.1(b)	Operation of second division vehicle with frame in excess of specified limits above ground - refer to statute
5/12-608(a)	Operation of vehicle with a gross vehicle weight rating (GVWR) of nine thousand (9,000) pounds or less or a recreational vehicle without two (2) bumpers
5/12-608(a)	Operation of vehicle with unlawful bumper height
5/12-610(a)	Operation of vehicle while wearing headset receiver
5/12-702(a)	Operation of second division vehicle without carrying flares/warning devices
5/12-702(c,d, e,f,g)	Failure to use flares/warning devices when second division vehicle is disabled
<del>5/12-704(a)</del>	<del>Failure to placard vehicle transporting explosives</del>
<del>5/12-704(b)</del>	<del>Failure to carry two (2) fire extinguishers within vehicle transporting explosives</del>

5/12-707	Overloaded school bus, commuter van or motor vehicle used for hire
5/12-711	Operation of garbage truck, roll-off hoist or roll-on container without audible backing warning system
5/12-806	Failure to cover school bus sign
5/12-808	Operating school bus without fire extinguisher
5/12-809	Operating school bus without first aid kit
5/12-810	Transporting handicapped passenger(s) without restraining device
5/13-111	Operating without certificate of valid safety test attached to windshield - second division vehicle
<del>5/13A-104(c)</del>	<del>Failure to display valid, unexpired emission inspection sticker (affected Illinois counties only)</del>
5/15-105	Load projecting in any excess beyond left fenders or six inches (6") beyond right fenders of first division vehicle
5/15-106	Failure to fasten loose projecting member
5/15-108	Failure to plank edge of pavement for any vehicle in excess of eight thousand (8,000) pounds
5/15-109(a)	Spilling load on highway
5/15-109(b)	Operating loaded vehicle without securely fastened covering
5/15-109.1	Operating second division vehicle with load falling, blowing or dropping to highway
5/15-114	Unlawful pushing of disabled vehicle
5/18C-4104(a)	Operation without registration - intrastate or interstate
5/18C-4604(1)	Operation without current cab card and Illinois identifier stamp
5/18C-4604(3)	Use of a cab card and Illinois identifier stamp issued to another carrier
5/18C-4604(4)	Failure to display or present a cab card and Illinois identifier stamp
5/18C-4701(1)	Operating without trade name, license and registration number of carrier painted or affixed to both doors of power unit
40/3-1	Operation of unnumbered snowmobile
40/4-1	Operation of snowmobile without required:
	a. One white headlamp during darkness
	b. One rear taillight during darkness
	c. Brake system in good mechanical condition
	d. Reflective material on each side of cowling

	e. Adequate sound suppression equipment
40/5-1	Operation of snowmobile without lighted headlamp and taillight

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 5<sup>th</sup> day of September, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

**APPROVED** this 5<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 5<sup>th</sup> day of September, 2023.

\_\_\_\_\_  
Christina M. Waters, Village Clerk