

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-19-8

AN ORDINANCE ADDING DIVISION 4, "COMPLIANCE," TO CHAPTER 52, "TRAFFIC AND VEHICLES," ARTICLE IV, "STOPPING, STANDING, AND PARKING," OF THE VILLAGE CODE IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, STATE OF ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF May, 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 13th day of May, 2019

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WHEREAS, the Village President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1 of the Illinois Municipal Code, the Village may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, pursuant to 625 ILCS 5/11-208 of the Illinois Vehicle Code, the Village may exercise reasonable police powers over streets and highways within its jurisdiction; and

WHEREAS, pursuant to 625 ILCS 5/20-204 of the Illinois Vehicle Code, the Village may adopt all or a portion of the Illinois Vehicle Code by reference; and

WHEREAS, pursuant to 625 ILCS 5/11-208.3 of the Illinois Vehicle Code, the Village previously adopted a system of administrative adjudication for standing and parking violations and vehicle compliance violations; and

WHEREAS, the Mayor and Board of Trustees find it would be in the best interest of the citizens of the Village of Bradley to provide for the administrative adjudication by local ordinance of certain vehicle compliance violations; and

WHEREAS, the Village of Bradley wishes to amend its Municipal Code to include those vehicle compliance violations for administrative adjudication within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. INCORPORATION OF PREAMBLE: The preamble to this Ordinance is incorporated herein as if fully set forth in this Section 1.

SECTION 2. AMENDMENT: That Chapter 52, Article IV. – "STOPPING, STANDING, AND PARKING" be amended as follows:

Replace the heading “STOPPING, STANDING, AND PARKING” with “STOPPING, STANDING, PARKING, AND COMPLIANCE”

SECTION 3. AMENDMENT: That a new “DIVISION 4. – COMPLIANCE” be added to Chapter 52, Article IV. – “STOPPING, STANDING, PARKING, AND COMPLIANCE”

SECTION 4. AMENDMENT: That Section 52-203. – “Seatbelts” be added to Chapter 52, Article IV, Division 4 of the Village Code as follows:

Sec. 52-203. – Seatbelts

(a) Each driver and passenger of a motor vehicle operated on a street or highway in the Village of Bradley shall wear a properly adjusted and fastened seat safety belt. A child less than 8 years of age shall be protected as required pursuant to the Child Passenger Protection Act [625 ILCS 25/1 et seq.]. Each driver of a motor vehicle transporting a child 8 years of age or more, but less than 16 years of age, shall secure the child in a properly adjusted and fastened seat safety belt as required under the Child Passenger Protection Act. Each driver of a motor vehicle transporting a passenger who is unable, due to infirmity, illness, or age, to properly adjust and fasten a seat safety belt and is not exempted from wearing a seat safety belt under subsection (b) shall secure the passenger in a properly adjusted and fastened seat safety belt as required under this Section.

(b) Paragraph (a) shall not apply to any of the following:

1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour.
2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt.
3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt.
4. A driver operating a motor vehicle in reverse.
5. A motor vehicle with a model year prior to 1965.
6. A motorcycle or motor driven cycle.
7. A moped.
8. A motor vehicle which is not required to be equipped with seat safety belts under federal law.

9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

10. A driver or passenger of an authorized emergency vehicle, except this exception does not apply to vehicles of the fire department; vehicles of the Office of the State Fire Marshal; or ambulances, unless the delivery of life-saving measures prohibits the use of a seat safety belt.

11. A back seat passenger of a taxicab.

(c) **Penalty:** A violation of this Section shall be a petty offense and subject to a fine not to exceed \$25.

(Illinois Vehicle Code reference 625 ILCS 5/12-603)

SECTION 5. AMENDMENT: That Section 52-204. – “Mufflers, prevention of noise” be added to Chapter 52, Article IV, Division 4 of the Village Code as follows:

Sec. 52-204. – Mufflers, prevention of noise

Every motor vehicle driven or operated upon the highways of the Village of Bradley shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section.

(Illinois Vehicle Code reference 625 ILCS 5/12-602)

SECTION 6. AMENDMENT: That Section 52-205. – “Windshields must be unobstructed and equipped with wipers” be added to Chapter 52, Article IV, Division 4 of the Village Code as follows:

Sec. 52-205. – Windshields must be unobstructed and equipped with wipers

(a) No person shall drive a motor vehicle in the Village of Bradley with any sign, poster, window application, reflective material, nonreflective material or tinted film upon the front windshield, except that a nonreflective tinted film may be used along the uppermost portion of the windshield if such material does not extend more than 6 inches down from the top of the windshield.

(a-3) No new or used motor vehicle dealer shall permit a driver to drive a motor vehicle offered for sale or lease off the premises where the motor vehicle is being offered for sale or lease, including when the driver is test driving the vehicle, with signs, decals, paperwork, or other material on the front windshield or on the windows immediately adjacent to each side of the driver that would obstruct the driver’s view in violation of subsection (a) of this Section. For

purposes of this subsection (a-3), "test driving" means when a driver, with permission of the new or used vehicle dealer or employee of the new or used vehicle dealer, drives a vehicle owned and held for sale or lease by a new or used vehicle dealer that the driver is considering to purchase or lease.

(a-5) No window treatment or tinting shall be applied to the windows immediately adjacent to each side of the driver, except:

(1) On vehicles where none of the windows to the rear of the driver's seat are treated in a manner that allows less than 30% light transmittance, a nonreflective tinted film that allows at least 50% light transmittance, with a 5% variance observed by any law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.

(2) On vehicles where none of the windows to the rear of the driver's seat are treated in a manner that allows less than 35% light transmittance, a nonreflective tinted film that allows at least 35% light transmittance, with a 5% variance observed by any law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.

(3) (Blank).

(4) On vehicles where a nonreflective smoked or tinted glass that was originally installed by the manufacturer on the windows to the rear of the driver's seat, a nonreflective tint that allows at least 50% light transmittance, with a 5% variance observed by a law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.

(a-10) No person shall install or repair any material prohibited by subsection (a) of this Section.

(1) Nothing in this subsection shall prohibit a person from removing or altering any material prohibited by subsection (a) to make a motor vehicle comply with the requirements of this Section.

(2) Nothing in this subsection shall prohibit a person from installing window treatment for a person with a medical condition described in subsection (g) of this Section. An installer who installs window treatment for a person with a medical condition described in subsection (g) must obtain a copy of the certified statement or letter written by a physician described in subsection (g) from the person with the medical condition prior to installing the window treatment. The copy of the certified statement or letter must be kept in the installer's permanent records.

(b) On motor vehicles where window treatment has not been applied to the windows immediately adjacent to each side of the driver, the use of a perforated window screen or other decorative window application on windows to the rear of the driver's seat shall be allowed.

(b-5) Any motor vehicle with a window to the rear of the driver's seat treated in this manner shall be equipped with a side mirror on each side of the motor vehicle which are in conformance with Section 12-502 of the Illinois Vehicle Code.

(c) No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield, rear window, side wings or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

(d) Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice, moisture or other material on any of the windows or mirrors, which materially obstructs the driver's clear view of the highway.

(e) No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with a side mirror on each side of the vehicle which are in conformance with Section 12-502 of the Illinois Vehicle Code will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured.

(f) Subsections (a), (a-5), (b), and (b-5) of this Section shall not apply to:

(1) (Blank).

(2) those motor vehicles properly registered in a jurisdiction outside the State of Illinois.

(g) Subsections (a) and (a-5) of this Section shall not apply to window treatment, including, but not limited to, a window application, nonreflective material, or tinted film, applied or affixed to a motor vehicle for which distinctive license plates or license plate stickers have been issued pursuant to subsection (k) of Section 3-412 of the Illinois Vehicle Code, and which:

(1) is owned and operated by a person afflicted with or suffering from a medical disease, including, but not limited to, systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism, which would require that person to be shielded from the direct rays of the sun; or

(2) is used in transporting a person when the person resides at the same address as the registered owner of the vehicle and the person is afflicted with or suffering from a medical disease which would require the person to be shielded from the direct rays of the sun, including, but not limited to, systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism.

The owner must obtain a certified statement or letter written by a physician licensed to practice medicine in Illinois that such person owning and operating or being transported in a motor vehicle is afflicted with or suffers from such disease, including, but not limited to, systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, or albinism.

However, no exemption from the requirements of subsection (a-5) shall be granted for any condition, such as light sensitivity, for which protection from the direct rays of the sun can be adequately obtained by the use of sunglasses or other eye protective devices.

Such certification must be carried in the motor vehicle at all times. The certification shall be legible and shall contain the date of issuance, the name, address and signature of the attending physician, and the name, address, and medical condition of the person requiring exemption. The information on the certificate for a window treatment must remain current and shall be renewed every 4 years by the attending physician. The owner shall also submit a copy of the certification to the Secretary of State as required under 625 ILCS 5/12-503 of the Illinois Vehicle Code.

(g-5) (Blank).

(g-7) Installers shall only install window treatment authorized by subsection (g) on motor vehicles for which distinctive plates or license plate stickers have been issued pursuant to subsection (k) of Section 3-412 of the Illinois Vehicle Code. The distinctive license plates or plate sticker must be on the motor vehicle at the time of window treatment installation.

(h) Subsection (a) of this Section shall not apply to motor vehicle stickers or other certificates issued by State or local authorities which are required to be displayed upon motor vehicle windows to evidence compliance with requirements concerning motor vehicles.

(i) (Blank).

(j) Except as provided in subsection (a-3) of this Section, nothing in this Section shall create a cause of action on behalf of a buyer against a vehicle dealer or manufacturer who sells a motor vehicle with a window which is in violation of this Section.

(Illinois Vehicle Code reference 625 ILCS 5/12-503)

SECTION 7. AMENDMENT: That Section 52-206. – “Sound amplification system” be added to Chapter 52, Article IV, Division 4 of the Village Code as follows:

Sec. 52-206. – Sound amplification system

(a) No driver of any motor vehicle within the Village of Bradley shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from 75 or more feet when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation.

(b) This Section does not apply to authorized emergency vehicles.

(Illinois Vehicle Code reference 625 ILCS 5/12-611)

SECTION 8: AMENDMENT: That Section 52-207. – “Penalty” be added to Chapter 52, Article IV, Division 4 of the Village Code as follows:

Sec. 52-207. – Penalty

Except as otherwise provided herein, any violation of this Division 4 shall be punishable by fine as provided in Chapter 18, “Fees and Other Charges,” Sec. 18-2. – “Penalty; fines,” Chapter 52 – “Traffic and Vehicles.”

SECTION 9. SEVERABILITY: Each Section and part thereof of this Ordinance is deemed to be severable and should any section or part thereof be held invalid or unconstitutional by any court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 10. REPEAL OF INCONSISTENT ORDINANCES: All ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed and of no further force and effect to the extent of such conflict.

SECTION 11. EFFECTIVE DATE: That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 17th day of March, 2019.

TRUSTEES:

ROBERT REDMOND	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
MICHAEL WATSON	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DONALD BARBER	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent -

Sandra M. Ricourt
VILLAGE CLERK

APPROVED this 13th day of May, 2019.

Michael Watson
VILLAGE PRESIDENT

ATTEST:

Jerusalem Richert
VILLAGE CLERK