

CHAPTER 12

TRAFFIC AND MOTOR VEHICLES

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DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

12-1-1

DEFINITIONS

Whenever in this Chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

ALLEY

A roadway of less than 24 feet total width used primarily for delivery service.

BICYCLE

Every device propelled by human power upon which a person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

BUSINESS DISTRICT

The closely built up business portion of the City.

CROSSWALK

That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

DRIVER

Any person who is in actual physical control of the vehicle.

EMERGENCY VEHICLE

Police vehicles, vehicles of the Fire Department, ambulances, vehicles carrying a State, County or Municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

EXPLOSIVE

Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

FARM TRACTOR

Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

FLAMMABLE LIQUIDS

Any liquid which has a flash point of seventy degrees F. or less, as determined by Tagliabue or equivalent closed cup test device.

IMPROVED STREET

A roadway of concrete, brick, asphalt, macadam or gravel.

INTERSECTION

The area embraced within the extension of the property lines of two or more streets which join at an angle, whether or not such streets cross.

LANED ROADWAY

A street, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

LOADING ZONE

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

MERGING TRAFFIC

A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

METAL TIRES

Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, non-resilient material.

MOTORCYCLE

Every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

MOTOR VEHICLE

Every vehicle which is self-propelled and every vehicle, which is propelled by electric power obtained from overhead wires, but not operated upon rails.

PARK OR PARKING

The standing of a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.

PEDESTRIAN

Any person afoot.

PNEUMATIC TIRE

Every tire in which compressed air or other combination of gases is designated to support the load.

PROPERTY LINE

The line marking the boundary between any street and the lot or property abutting thereon.

PUBLIC BUILDING

A building used by the municipality, county, park district, school district, State of Illinois, or the United States government.

RESIDENCE DISTRICT

The closely built up residence portion of the City.

RIGHT OF WAY

The privilege of the immediate use of the roadway.

ROAD TRACTOR

Every motor vehicle designed and used primarily for pulling other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so pulled.

ROADWAY

The part of a street designed for vehicular traffic.

SAFETY ZONE

That portion of a roadway reserved for the exclusive use of pedestrians, suitably marked or elevated.

SCHOOL BUS

Every motor vehicle of the second division, as defined by the State Traffic Law, operated by or for a public, governmental agency, private or religious organization solely for the transportation of pupils in connection with school activities.

SEMI-TRAILER

Every vehicle without motive power designed for carrying persons or property and for being pulled by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

SIDEWALK

That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.

SOLID TIRE

Every tire or rubber or other resilient material which does not depend upon compressed air or other combination of gases for the support of the load.

STREET OR HIGHWAY

The entire width between property lines of every way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. When a street is designated as a State Route it shall be referred to as a highway.

SUBURBAN DISTRICT

That portion of the City other than the closely built up business and residence districts.

TRAFFIC

Pedestrians, ridden or herded animals, vehicles and other conveyance whether singly or together while using any street for the purpose of travel.

TRAILER

Every vehicle without motive power designed for carrying passengers or property and for being pulled by a motor vehicle and constructed so that no part of its weight rests upon the pulling vehicle.

TRUCK-TRACTOR

Every motor vehicle designed and used primarily for pulling other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so pulled.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or pulled upon a street except devices moving by human power or used exclusively upon stationary rails or tracks.

12-1-2

OBEDIENCE TO POLICE AND SCHOOL SAFETY PATROL

Members of the police department and special police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Chapter, or when the public safety or convenience may require; and members of the School Safety Patrol are hereby authorized to control pedestrian and vehicular traffic at intersections or streets designated by official sign as and for school crossing. It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman, or member of the School Safety Patrol while such School Safety Patrol is engaged in controlling traffic at a school

crossing and while such member is wearing the authorized insignia or uniform of such patrol.

12-1-3 SCENE OF FIRE

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene, in the absence of, or in assisting the police.

12-1-4 SIGNS AND SIGNALS

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the Mayor with the advice and consent of the Board of Aldermen or in accordance with the laws of the State of Illinois, excepting on direction of a police officer. All such signs and signals shall conform to the Illinois State Manual of Uniform Traffic Control Devices for streets and highways.

12-1-5 UNAUTHORIZED SIGNS

Interference with Signs; It shall be unlawful for any person to 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 hereby declared to be a nuisance and may be removed by any policeman.

It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

12-1-6 CLASSIFICATION OF STREETS

The Board of Aldermen by ordinance, may classify and designate streets, alleys, intersections and public ways used for vehicular traffic as (1) through streets, (2) one-way streets, (3) stop streets or intersections, (4) yield right of way streets or intersections, and compulsory turn or straight ahead intersections.

12-1-7 POSTING SIGNS

The Chief of Police or any other person designated by the Mayor shall post or cause to be posed authorized traffic control devices.

12-1-8 OBSTRUCTIONS OF STREET CROSSINGS BY RAILROADS

It shall be unlawful for a railroad corporation or employee to permit any train, railroad car or engine to obstruct public travel at a railroad - highway grade crossing for a period in excess of ten (10) minutes, except where such train, railroad car, or engine cannot be moved by reason of circumstances over which the railroad corporation has no control. No employee acting under rules

or orders of the railroad corporation or its supervisory personnel may be prosecuted for such violations. Violations of this section shall be punishable in the following manner:

Railroad Corporations - Not less than \$200.00 nor more than \$500.00 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If longer than 15 minutes the following fine shall be levied:

(1) 15 - 20 minutes - - \$500.00

(2) 20 - 25 minutes - - \$700.00

(3) 25 - 30 minutes - - \$900.00

(4) 30 - 35 minutes - - \$1,000.00

(5) 35+ minutes - - \$1,000.00 + \$500.00 for each five (5) minute period in excess of 35 minutes.

Railroad Employees - Any railroad employee violating this ordinance shall be fined not less than \$200.00 nor more than \$500.00.

DIVISION 2

PARKING RULES

12-2-1

NO PARKING ZONES

It shall be unlawful to 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 policeman or traffic control device:

- (a) In any intersection;
- (b) In a crosswalk;
- (c) Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto;
- (d) Between a safety zone and the adjacent curb or within thirty feet of a point of the curb immediately opposite the end of a safety zone;
- (e) Within thirty feet of a traffic signal, beacon, or sign on the approaching side;
- (f) Within twenty feet of any intersection or crosswalk;
- (g) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet;
- (h) Within fifteen feet of a fire hydrant;
- (i) At anyplace where the vehicle would block the use of a driveway;
- (j) Within fifty feet of the nearest rail of a railroad grade crossing;
- (k) Within twenty feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five feet of such entrance when properly sign posted;
- (l) On any sidewalk or parkway;
- (m) At any place where official signs prohibit parking.
- (n) At any point within a distance of 10 feet (outward in either direction), from the edge of the pavement of U.S. Route 40 along its entire length within the municipal limits.
- (o) Along either side of the road leading to Tower Lake Parking Lot.
- (p) "NO SEMI-TRUCKS ALLOWED" in the alley that runs between N. Walnut St. and N. Main St. and between 5th and 6th Streets.
Revised 7/5/2005
- (q) "NO PARKING THIS SIDE OF THE STREET" along the north side of the road leading to the Deken Park parking lot.

Revised 2/1996, 7-5-05

That it shall be unlawful for any person to park a vehicle at any time in the following street zone:

1. On the East side of Main Street from Third Street to Route 40 and from Sixth Street to Eleventh Street;
2. On both sides of Fifth Street from Walnut Street to Elm Street;
3. On either side of Walnut Street from Fifth Street to Route 40;

Amended 3/02/2016

4. On the East side of Olive Street from Fifth Street to Route 40, except that parking shall be allowed on the west side of Olive Street for the purpose of attendance at funeral visitations and services only.

Revised 11/04/2013

5. On the South Side of Fourth Street from Main Street to the alley across from the Ideal 5 and 10 Cent Store;
 6. On the West side of Main Street between Third Street and Route 40;
 7. On either side of Main Street between Sixth and Tenth Streets.
 8. On the South side of Second Street between Ash and Oak Streets.
 9. On either side of Tenth Street between Olive and Elm Streets.
 10. On the South side of Eleventh Street from Maple to Cypress Street.
 11. On the North or South side of 12th Street for a distance of 60 feet west from Walnut Street.
 12. On either side of Henrietta between Chestnut and Locust Streets.
 13. Along the entire side of north Third Street, between its intersections with Ash and Oak Streets.
 14. "NO PARKING FROM HERE TO CORNER" Along the north side of 8th Street, between the East side of Elm Street and the Alley.
- Revised 6/03/2002
15. NO PARKING BETWEEN SIGNS located on the North Side of Twelfth Street between Walnut Street and Elm Street (Entrance to St. Elmo High School).
- Revised 03/06/2014
16. On both sides of Girard Street from Cumberland Road (Route 40) to Sixth Street (City Limits);
- Amended 3/2/2022

A total of ten dollars (\$10.00), shall be paid for each separate ticketed violation, if paid within 72 hours, (3 days), of the issuance of a citation.

- a) The fine shall increase to twenty dollars for each separate ticketed violation if not paid within 72 hours, (3 days), of the citation issuance.
- b) Any fines not paid within 120 hours, (5 days), of issuance of the citation will be referred to the City Attorney for his prosecution.

17. NO PARKING ZONES on North sides of Ninth Street from Main St. to Walnut Street.

Amended 6/1/2022

12-2-2

PARKING AT CURB

Except where diagonal parking is permitted as designated by signs or parking lane markers, all vehicles shall be parked parallel to the curb and shall be placed so that neither right wheel shall be farther than eight inches from the curb or, if there is no curb, then with both right wheels as far to the right as conditions reasonably permit. It shall be unlawful to park in any alley, on any curb, or on or over any parking line or marker.

12-2-3

LOADING ZONE

It shall be unlawful for the driver of a vehicle to park a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed thirty minutes, in any place designated by the Board of Aldermen as a loading zone and marked as such, or any place not to exceed seventy-five feet along the curb before the entrance to a public building between eight o'clock A.M. and six o'clock P.M. except on Sunday.

12-2-4

DOUBLE PARKING

It shall be unlawful for any person or persons to double park any vehicle on any of the streets of this city; provided, however, that nothing in the provisions contained herein shall prohibit the momentarily stopping of any vehicle for the purpose of discharging or taking on any passenger or baggage.

12-2-5

POST OFFICE PARKING

Deleted 11/04/2013

12-2-6

SEVENTY-TWO HOURS PARKING

No person shall park a vehicle on any public street/highway for a longer period than 72 hours without moving the vehicle.

Amended 05/02/2018

12-2-7

ALLEYS

No person shall park a vehicle within an alley in such manner or under such conditions as to leave available less than 10 feet or the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley, in such position as to block the driveway or garage entrance to any abutting property.

12-2-8

SIGNS

The City Mayor shall cause signs to be posted in all areas where parking is prohibited, indicating such limitation or prohibition.

12-2-9

CAB STANDS OR BUS STANDS

No vehicle other than a licensed taxicab shall be parked in any area designed by ordinance as a cabstand; and no vehicle other than a bus shall be parked in a place so designated as a bus-loading zone.

12-2-10

CARS ILLEGALLY PARKED TO BE TOWED AWAY

(a) Any vehicle which shall be stopped, parked or permitted to stand in any street or alley in violation of the provisions of this ordinance may, under order or direction of a police officer, be removed from such street or alley and taken to a place for storage for safe keeping pending the application of the owner or authorized driver thereof for return of said car. Before such application is

granted and such owner or authorized driver is permitted to remove said vehicle from the place to which it has been taken, removed, or stored, said owner or authorized driver shall pay to the City Clerk the penalty provided for in Section

12-2-11 of this Division, and in addition thereto, all costs to cover the cost of removing such vehicle from said street or alley and also all actual expenses and charges which may have occurred for the safe keeping or storage of said vehicle, pending the making of the application for the return of said vehicle and the payment of the charges assessed under this Section.

- (b) Places for the storage and safe keeping of vehicles illegally parked and removed from the street and alleys by order of the police officer shall be designated by the Chief of Police. All charges and expenses for the storage of safe keeping of such vehicles shall be uniform as to all such places and shall be kept plainly posted therein.

12-2-11 LIBRARY PARKING

Deleted 11/04/2013

12-2-12 TRUCK PARKING

No semi-truck tractors and/or semi-trailers shall be parked upon any City street or right of way except for the purposes of and while engaged in the loading or unloading of an attached trailer, provided, however, that the parking of the semi-truck tractor itself, detached from the trailer, shall not be prohibited. Violations of this section shall be punishable by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred (\$500.00) for each separate violation.

Revised 7-6-98; Amended 4/5/2010; Amended 10/5/ 2011

12-2-13 SNOW ROUTE PARKING

Upon the occurrence of a “snow emergency” within the City of St. Elmo, it shall be unlawful for any person to park a motor vehicle in any area designated as a snow route. A snow emergency shall be declared and in effect whenever a snowfall equal to or exceeding an accumulation of two inches on street pavement occurs. A snow emergency shall also be in effect at such time as the local weather forecast, as made by the U.S. Weather Bureau or other public weather service, predicts a snowfall of 2 or more inches within the next 24-hour period. The snow emergency shall continue in effect until such time as snowfall or other frozen precipitation has been cleared from all streets, or portions of streets, designated as snow routes. At this time, the Mayor or Chief of Police of the City of St. Elmo shall declare the termination of the snow emergency.

The Mayor or Chief of Police shall cause a declaration of snow emergency made pursuant to this Ordinance to be publicly announced (at the earliest reasonable

opportunity) by means of broadcasts or telecasts from stations with a normal operating range covering the City. Furthermore, the Mayor or Chief of Police may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken, including the time the snow emergency became or will become effective, and shall apply to all street zones designated as snow routes in this ordinance.

The Mayor or Chief of Police may, at their discretion, also declare a snow emergency whenever conditions of falling snow, sleet or freezing rain make it necessary that snow removal equipment have immediate and complete access to designated snow routes, and that parking on such routes be prohibited.

The following street zones are hereby designated as snow routes:

1. The east and west side of Walnut Street beginning at its intersection with 5th Street and extending northward to its intersection with 12th Street.

a) The City shall post appropriate signs in all areas where parking is to be prohibited in the event of a snow emergency declaration.

b) A vehicle may temporarily be permitted to park upon a designated snow route during a snow emergency period only as approved or directed by a police officer or in order to avoid a situation which might clearly result in a traffic accident.

c) Any violation of this Ordinance shall carry with it a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation.

Revised 7-6-98; Amended 4/5/2010; Amended 10/5/ 2011

d) In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Ordinance, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Ordinance.

e) Any vehicle parked on any snow route in violation of any of the provisions of this Ordinance may be towed by the City and no person shall recover any vehicle removed pursuant to this section without first paying the cost of removal and the cost of storage. Any payments required by this section shall not be construed as a penalty so as to preclude prosecution for violation of any of the provisions of this article. The provisions of this section shall be in addition to any other penalties provided by this Ordinance.

12-2-14

RESERVED FOR POLICE PARKING ONLY

A reserved "*for police parking only*" space is hereby established seven (7) days a week, twenty four (24) hours a day for the North side of 4th Street between Main and Walnut in the area directly east of the handicap parking space in front of the Police Building.

Any violation of this Ordinance shall carry with it a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation, in accordance with other traffic parking violation fines.

Revised 6/07/99; Amended 4/5/2010; Amended October 5, 2011

12-2-15

NO PARKING BETWEEN SIGNS

Located on the North Side of Twelfth Street between Walnut Street and Elm Street (Entrance to St. Elmo High School)

Added 03/06/2014

DIVISION 3

CLASSIFICATION OF STREETS FOR
TRAFFIC CONTROL PURPOSES

12-3-1 STREETS AND INTERSECTIONS

The following intersections are controlled by:

Four-Way Stop Signs

11th & N. Main St.
9th & Walnut
5th & Walnut
4th & Walnut
5th & Main
4th & Main
3rd & Ash
3rd & Locust
2nd & Ash
2nd & Oak
2nd & Elm
2nd & Locust
1st & Locust
Oak St. & Hazel St.

Revised 8-5-02, 11/7/05, 1/4/2010 Amended 11/1/23

Three-Way Stops -

12th & Walnut
7th & Place
6th & Elm

Two-Way Stop Signs

Pine at 3rd
Hazel at Pine
Olive at 8th and 5th
Fourth at Spring
Elm at 8th, 7th, 5th, 4th, 3rd, 1st
Walnut at 1st, 2nd, 3rd, 6th, 7th, 8th, 10th, 11th
Main at U.S. 40, 1st, 2nd, 3rd, 6th, 8th, 9th, 10th
Elm at 6th Place
Locust at Hazel
1st, 2nd, 3rd, 4th, & 7th at Olive

Revised 9-2-03, 8-1-05, 10/3/05, 1/4/10 Amended 11/1/23

Single Stop Signs

Seventh & Ash Street
Hazel at Chestnut
Ash Street at 6th Place
6th Street at Ash Street
Pine at Second Street
Julie Ann Drive at Interstate Drive
Locust, Oak, Ash, Elm, Olive, Walnut, Main, South Main
Spring, Girard, Interstate Drive at U.S. Route 40
First Street at Oak
Hazel at Ash
Fourth and Fifth at Girard
Oak at Third
Fourth at Ash
First, Third, Fourth, Fifth, Sixth, Seventh and Eighth Streets
on both sides of Elm, Ninth, Tenth and Twelfth Streets at Elm
Brewbaker Drive East and West at Interstate Drive
Tower Road at Interstate Drive
Olive at 6th Place
6th Place at Walnut
Henrietta on both sides of Locust
Henrietta at Oak
Eighth Street at Main
6th Place at Main
Ash St. & 1st St.
Olive St. & 10th St.
Deken Park exit onto Elm Street

Revised 8-1-05, R 10-7-03, 7-6-04, 1-3-05 Amended 11/1/23

Yield Right of Way Signs

Maple Street at Tenth Street
Third Street at Girard
Sixth Place at Seventh Street
South bound on Main Street at its intersection with 11th Street

Revised 1/4/10

One Way Traffic Signs

A public alley running North and South between Fourth and Fifth Streets, between East Main Street and the C.E. & I. Railroad right-of-way, shall be one-way for Northerly traffic and it shall be unlawful for any person to drive any motor vehicle South on said alley at the point just referred to. Violation of this Ordinance shall be punishable by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Adopted 11/6/1972; Amended 4/5/2010; Amended 10/5/2011

It is necessary in the interest of public safety to make the alley running East and West located North of Fifth Street and South of Sixth Street and East of Main

Street and West of the railroad tracks a one-way alley with traffic running from the West to the East from Main Street to the unnamed road adjacent to the railroad tracks. Any person firm or corporation violating any provision of this Ordinance by violating said one-way street signs as interpreted by Illinois law shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00), nor more than Five Hundred Dollars (\$500.00) for each violation of this Ordinance.

Adopted 12/2/1992; Amended 4/5/2010, Amended 10/5/2011

The alley running North and South located North of Fourth Street, South of Fifth Street, West of Main Street and East of Walnut Street, with traffic flowing from South to North from Fourth Street to Fifth Street

Adopted 9/6/2005; Amended 4/5/2010

It is necessary in the interest of public safety to make Tenth (10th) Street running East and West located between Elm Street and Olive Street, a one-way street with traffic running from West to East from Elm Street to Olive Street. It shall be unlawful for any person to drive a motor vehicle West on said Street. Any person, firm or corporation violating any provision of this Ordinance by violating said one-way street signs as interpreted by Illinois law shall be fined not less than One Hundred Seventy-five Dollars (\$175.00), not more than Five Hundred Dollars (\$500.00) for each violation of this Ordinance. Amended 9/2/2020

12-3-2

PEDESTRIAN CROSSWALK

A pedestrian crosswalk for the purpose of pedestrian safety shall exist as follows:

1. At the intersection of Third Street and Oak Street running in a north-south direction across Third Street located just west of the intersection of Third and Oak Streets;
2. On Olive Street between Cumberland Road and First Street, running in an direction across Olive located approximately 65 feet south of the Olive and First Street intersection;
3. At the intersection of Walnut and Ninth Street running in an east-west direction across Walnut Street located just North of the intersection of Walnut and Ninth Streets; and
4. At the intersection of Elm Street and Deken Park Road running in an eat-west direction across Elm Street.

Said crosswalks shall be designated by painted yellow lines on the pavement and by appropriate warning signs.

Revised 9-2-03

12-3-3

PENALTIES

Any person violating any of the rules or provisions of this Ordinance shall be punished by a fine of not less than One Hundred Seventy-Five Dollars

(\$175.00) nor more than Five Hundred Dollars (\$500.00).
Revised 7/1993, 2/1996, 7-6-98, 8-8-2000, 8-05-2002; Amended 10/5/ 2011

DIVISION 4

LOAD LIMITS AND ILLEGAL LOADS

12-4-1 LOAD LIMITS

It shall be unlawful to operate a motor vehicle that weighs in excess of ten (10) tons on Elm and Spring streets within St. Elmo Municipal Limits, except for the purpose of making a delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance required for that purpose.

12-4-2 ILLEGAL LOADS

It shall be unlawful for any truck or other vehicle transporting propane, butane, gasoline, or any other highly explosive or from the Pennsylvania Railroad on South to the corporation line, provided however, that such vehicles, when necessary, may cross said street and may come upon said street if absolutely necessary for the purpose of making deliveries to homes or other establishments situated on or along said street. Any person or person violating this ordinance or any provision thereof, shall, upon conviction thereof, be punished by a fine not to exceed Two Hundred Dollars (\$200).

12-4-3 PENALTY

Any person violating any of the rules or provisions of this Ordinance shall be punished by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Revised 7-6-98; Amended 4/5/2010; Amended 10/5/2011

DIVISION 5

SPEED LIMITS

12-5-1

SPEED LIMITS

It shall be unlawful for any person to operate a vehicle at a rate of speed greater than thirty miles per hour in or upon any street or alley within the corporate limits of the City of St. Elmo, Illinois. Provided, however, that it shall be unlawful for any person to operate a vehicle at a rate of speed greater than twenty miles per hour in or upon any street or alley through the park section of the said city or through any school zone of the said City. The park section of the city shall be considered as the following for the purposes of this section:

Third Street between Ash Street and Locust Street
Ash Street between Third Street and Fifth Street

Revised 2-7-00

- a) A speed limit of “30 m.p.h.” is hereby established for Brewbaker Drive from its intersection with Interstate Drive easterly to the City of St. Elmo corporate limits.

Amended 1-3-19, Revised 8-2-99

- b) A maximum speed limit of 20 miles per hour (mph) is here by established on the following streets:

- 1) Girard Street, from its intersection with U.S. Route 40 to Sixth Street;
and
- 2) Spring Street, from its intersection with U. S. Route 40 to Fifth Street.

Revised 11-5-12

12-5-2

SCHOOL ZONES

The school zones of the city shall be considered as the following for the purpose of this section:

First Street between Ash Street and Oak Street;

Second Street between Ash Street and Oak Street;

Ash Street between First Street and Second Street;

Oak Street between First Street and Second Street;

Fourth Street between Main Street and Elm Street;

Elm Street from Tenth Street to north edge of high school property;

Tenth Street from Elm Street to Walnut Street;

Revised 2/07/2000

Walnut Street from Tenth Street to north edge of high school property.

12-5-3

WARNING SIGNS

Appropriate school zone warning signs and children playground warning signs shall be erected by the Superintendent of Streets for this city around the various schools and playgrounds and on the streets approaching said schools and playgrounds for a distance of at least one block in all directions there from and where such signs have been erected it shall be unlawful to drive any vehicle at a speed in excess of twenty miles per hour until the school zone has been passed.

12-5-4

PENALTY

Any person violating any of the rules or provisions of this Ordinance shall be punished by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Revised 7-6-98; Amended 4/5/2010; Amended 10/5/2011

DIVISION 6

FIRE APPARATUS

12-6-1 FIRE HOSE

No vehicle shall be driven over any unprotected hose of the fire department of the St. Elmo Fire Protection District, when laid down on the street, alley or any place by order of the fire chief or other proper officer, without the consent of the fire chief, officer or member in charge of such hose.

12-6-2 OBSTRUCTION OF HYDRANT

No person shall in manner obstruct the use of any fire hydrant or have or place any material in front thereof, or within ten feet of either side thereof, nor shall any person park any vehicle in front of within ten feet on either side thereof; any such material or vehicle found as an obstruction as aforesaid may be forthwith moved by any member of the fire department or police officers, and at the risk, cost or expense of the owner or claimant.

12-6-3 OBSTRUCTION OF FIRE VEHICLES

Whenever the fire alarm is sounded and fire apparatus proceeds toward the scene or place of any fire, all persons traveling on any street in said city, except city officials and members of the fire department, shall immediately pull or drive to the curb or side of the street and stop so as to give the right of way to any such fire apparatus, and no person, driving or operating any vehicle upon the street or alley of said city, except city officials and members of the fire department shall follow said apparatus at a distance of less than two blocks from said apparatus. No person or persons shall stop or park any vehicle nearer than 600 feet or 1 1/2 blocks from the place of scene of any fire, excepting city officials and members of the fire department and no person shall drive past the place or scene of the fire after the arrival of any fire apparatus.

DIVISION 7

DRIVING OFFENSES

12-7-1 DRIVING WHILE INTOXICATED

It shall be unlawful for any person, while in an intoxicated condition, to drive any vehicle upon any of the streets or alleys of this city.

12-7-2 RECKLESS DRIVING

It shall be unlawful for any person to operate any motor vehicle upon any street or alley of this city in a wanton or reckless manner, showing an utter disregard for the safety of others, under circumstances likely to cause great bodily harm or injury.

12-7-3 ILLEGAL TURNS

It shall be unlawful for any person to make any U turn or full turn in any vehicle except at street intersections or at any time to make any U turn or full turn at the intersections of Main and Fourth Streets or Main and Fifth Streets.

12-7-4 BICYCLE

It shall be unlawful in this city to ride any bicycle on the sidewalks of the business district, as defined above, or on the sidewalk on the North side of 4th Street between Main Street and the alley to the west. All bicycles on all other sidewalks, in meeting or passing pedestrians, must stop or get off the sidewalk. All persons using bicycles shall comply with state laws regarding equipment required.

12-7-5 PASSING AT ANY INTERSECTION

It shall be unlawful for the operator of any vehicle to overtake or pass another vehicle in a street intersection.

12-7-6 ADEQUATE BRAKES

Every motor vehicle operated on the streets of this city shall be provided with at least two adequate brakes each of which shall work independently of the other, except motorcycles, which shall be provided with not less than one adequate brake.

12-7-7 UNATTENDED VEHICLES

It shall be unlawful for any person to leave unattended upon any street of said city, a motor vehicle with the engine running.

12-7-8 STREET RACING

It shall be unlawful for any person driving or operating a vehicle to race upon any of the streets or alleys or sidewalks of said City.

12-7-9 DISREGARDING OF POLICE SIGNALS

It shall be unlawful for any person to disregard signals of any police officer of said city while directing traffic or to disregard any stop sign or traffic control sign which might be lawfully erected.

12-7-10 ATV VEHICLES

It shall be unlawful to operate an All Terrain Vehicle or Snowmobile on any property owned by the City of St. Elmo.

12-7-11 USE OF ENGINE BRAKING

(a) No person shall operate or cause to be operated 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 a loud, unusual, or explosive noise from such vehicle, within the City of St. Elmo, Illinois;

(b) It shall be affirmative defense that the person who operated or caused to be used or operated such mechanical exhaust device in circumstances where it was necessary to avoid injury or accident within City limits.

12-7-12 PENALTY

Any person or persons violating this Ordinance or any provisions thereof, shall, upon conviction thereof, be punished by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Revised 2-7-05, Revised 7-6-98; Amended 4/5/2010; Amended 10/5/2011

DIVISION 8

ABANDONED, INOPERABLE OR UNLICENSED VEHICLES

12-8-1

DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- (1) "Persons" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (2) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway or requiring a certificate of title under the Illinois Vehicle Code except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. (Illinois Vehicle Code, 625 ILCS 5/1-217)
- (3) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (4) "Property" shall mean any real property within the city which is not a street or highway.
- (5) "Inoperable motor vehicle" shall mean any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.
- (6) "Unlicensed motor vehicle" shall mean any vehicle which does not have a current license and registration sticker affixed to same.

12-8-2

ABANDONMENT OF VEHICLES

No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Revised 6-5-1995

12-8-3

KEEPING INOPERABLE OR UNLICENSED MOTOR VEHICLE

No person shall leave any inoperable or unlicensed motor vehicle on any street or highway within the City nor shall any person in charge or control of any

property within the City, whether as owner, tenant, occupant or lessee, allow any inoperable or unlicensed motor vehicle to remain on public or private property in view of the general public for a period of greater than seven (7) days. An inoperable or unlicensed vehicle stored in a carport which is not enclosed on all four sides or an inoperable or unlicensed vehicle covered by cloth, plastic or other material shall be considered to be in view of the general public if said vehicle, whether covered or uncovered, can be observed from a public street, alley or right-of-way.

12-8-4

NOTICE

The Chief of Police or his designated agent shall give notice in writing to any person in violation of this Ordinance directing said person to dispose of any inoperable or unlicensed motor vehicle under his control within seven (7) days after issuance of said notice.

12-8-5

DISPOSITION/IMPOUNDING

Any abandoned vehicle or any inoperable or unlicensed motor vehicle which has not been disposed of seven (7) days after notification as set forth in Section 12-8-4 may be removed by the Chief of Police or his designated agent and shall be impounded until lawfully claimed or disposed of in accordance with Sections 4-201 through 4-214 of the Illinois Vehicle Code. A vehicle may not be removed from private property without order of court.

12-8-6

EXCEPTIONS

A. This Ordinance shall not apply to the following:

- (1) Any vehicle in an enclosed building;
- (2) Any vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business;
- (3) Any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

B. The term "inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. Said vehicle shall be defined as temporarily inoperable only if it is repaired within a 30 day period.

Revised 6-5-1995

12-8-7

PENALTY

Any person violating any provision of this Ordinance shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred (\$500.00) for each violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

Revised 7-6-98, Revised 6-5-95;
Amended 4/5/2010; Amended 10/5/2011, DIVISION 8 AMENDED 3/2/2015

DIVISION 9

NON-HIGHWAY VEHICLES

12-9-1 DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

A. “Non-Highway Vehicle” shall mean a motor vehicle not specifically designed to be used on a public highway, including:

- 1) A golf cart, as that term is defined in Section 1.123.9 of the Illinois Vehicle Code; and
- 2) A recreational off-highway vehicle, as that term is defined in Section 1-168.8 of the Illinois Vehicle Code.
- 3) An all-terrain vehicle, as defined by Section 1-101.8 of the Illinois Vehicle Code.
- 4) An off-highway motorcycle, as defined by Section 1-153.1 of the Illinois Vehicle Code.

12-9-2 OPERATION OF NON- HIGHWAY VEHICLES

Non-highway vehicles may be operated on those streets under the jurisdiction and control of the City of St. Elmo, Illinois, where the posted speed limit is 30 miles per hour or less. Non-highway vehicles, however, shall not be operated on Illinois Route 40 other than to cross this Route while traveling on a City Street. Non-highway vehicles shall be operated in the same direction as traffic. Furthermore, a non-highway vehicle shall not be operated on street, roadways and highways under the jurisdiction of the Illinois Department of Transportation or the Fayette County Highway Department. Non-highway vehicles shall be operated in compliance with the applicable provisions of the Illinois Vehicle Code and the provisions of the Ordinances of the City of St. Elmo.

12-9-3 EQUIPMENT

No non-highway vehicle shall be operated on any street or roadway under the jurisdiction and control of the City of St. Elmo, Illinois, unless the non-highway vehicle is equipped with the following equipment:

- a. Brakes.

- b. Steering apparatus.
- c. Tires.
- d. A rear view mirror.
- e. A red reflectorized warning device on the front and rear of the non-highway vehicle.
- f. A slow moving emblem as required by 625 ILCS 5/12-709 attached to the rear of the non-highway vehicle.
- g. A head light that emits white light visible from at least 500 feet from the front.
- h. A tail lamp that emits red light visible from at least 100 feet from the rear.
- i. Brake lights on the rear of the non-highway vehicle.
- j. Turn signals on the front and rear of the non-highway vehicle.
- k. A seat for each passenger that was installed by the manufacturer.

12-9-4

LIGHTING REQUIRED DURING OPERATION

No non-highway vehicle shall be operated on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, unless such non-highway vehicle has its head lights and tail lights illuminated at all times.

12-9-5

PASSENGER LIMITATIONS

A non-highway vehicle may transport only the number of passengers for which the specific non-highway vehicle was designed. Every passenger shall sit in a seat that was installed by the manufacturer of the non-highway vehicle. It shall be unlawful for the operator of a non-highway vehicle to transport passengers unless each passenger is in a seat. The operator of a non-highway vehicle shall not transport anyone who is sitting on the lap of a passenger, or in any other location except in a seat.

12-9-6

MINIMUM AGE OF OPERATION

No person shall operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, unless such operator is at least sixteen (16) years of age and has a valid Driver's License.

12-9-7

SPEED LIMIT

No person shall operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, in excess of 20 miles per hour.

12-9-8

REAR LIGHTING

All trailers or carts being pulled by a non-highway vehicle must have tail lights and brake lights in good working condition. The tail lights shall be on at all times. It shall be unlawful for any person or animal to be in a trailer or cart when being pulled by a non-highway vehicle.

12-9-9

MANUFACTURER SPECIFICATIONS

It shall be unlawful for the owner of a non-highway vehicle to modify or alter a non-highway vehicle from the original manufacture's specifications that would result in the non-highway vehicle being faster and larger than originally manufactured.

12-9-10

HOURS OF OPERATION

Non-highway vehicles shall only be allowed to be operated within the City of St. Elmo, Illinois between the hours of 6:00 a.m. and 10:00 p.m.

12-9-11

ILLINOIS VEHICLE CODE

During the operation of a non-highway vehicle on any street under the jurisdiction and control of the City of St. Elmo, Illinois, the operator of such non-highway vehicle shall obey all provisions of the Illinois Vehicle Code, 625 ILCS 5/11-100, et. seq., as amended from time to time.

12-9-12**CITY LICENSING REQUIREMENTS**

Non-highway vehicles shall be operated on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, unless said non-highway vehicle is first licensed by the City of St. Elmo, Illinois. A person desiring to operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois shall make an application for a non-highway vehicle license with the Clerk of the City of St. Elmo, Illinois. The license shall be in that form as attached hereto as Exhibit A. The license shall be valid for a period of one (1) year. Any person applying for a non-highway vehicle license pursuant to this Ordinance shall pay an annual fee of \$50.00 to the Clerk of the City of St. Elmo, Illinois. Furthermore, a person desiring to operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, shall execute an Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue and file with same with the Clerk of the City of St. Elmo, Illinois. The Unconditional and Full General Release of Liability, Waiver, Discharge and Covenant Not to Sue shall be in that form as attached hereto as Exhibit B.

12-9-13**REVOCATION OF CITY LICENSE**

The license of an operator of a non-highway vehicle issued pursuant to 12-9-12 of this Code may be revoked by the Chief of Police, or his designee if:

- 1) there is any material misrepresentation made by the applicant on the application; or
- 2) the required liability insurance is no longer in full force and effect; or
- 3) there is evidence that the license holder can no longer safely operate the non-highway vehicle; or
- 4) the operator receives a third citation for a violation of this Ordinance.

12-9-14**NOTICE OF REVOCATION**

The Chief of Police, or his designee, shall issue a notice of revocation of a license in writing and either hand deliver the notice to the license holder, or send the notice by certified mail to the license holder at the address on the application. The revocation of the license shall be effective immediately after personal service, or on the third day after the post mark of the certified mail receipt.

12-9-15

LIABILITY INSURANCE

No person shall operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois unless the non-highway vehicle is covered by a liability insurance policy as required under 625 ILCS 5/7-601. Every operator of a non-highway vehicle subject to this Code shall carry with the non-highway vehicle evidence of insurance as required by 625 ILCS 5/7-602.

12-9-16

SALE OF VEHICLE

If a non-highway vehicle which has a current license is sold, the new owner shall sign must apply for a license pursuant to Section 12-9-12 and present proof of insurance before the new owner may operate the vehicle in the City of St. Elmo.

12-9-17

PENALTIES

Any person who violates any provisions of this Division 9 of Chapter 12 shall be guilty of a petty offense punishable by a fine of not less than \$175.00 nor more than \$500.00. Any second or subsequent offense of any provision of this Ordinance shall result in the revocation of the non-highway vehicle license for a period of not less than three (3) nor more than five (5) years.

Division 9 Added 10/05/20