

DISTRICT ALL

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: March 9th, 2021 (COW) (B of T) **Date:** April 15, 2021

TITLE: Traffic Code Revision, Article XIX, Section 10-19-1 (Solicitors in Roadway)

SUBMITTED BY: Deputy Chief Joseph Grage, Police Department

BACKGROUND/POLICY IMPLICATIONS:

The 7th Circuit Federal Court recently opined in Dumiak and Simmons Vs. Village of Downers Grove that 625 ILCS 5/11-1006 (c) is unconstitutional. This section is currently adopted as an ordinance by reference in the Village of Lombard Traffic Code. The attached ordinance revision excludes the unconstitutional section from adoption in the Village of Lombard Traffic Code.

FISCAL IMPACT/FUNDING SOURCE:

Time and Materials:
Signage and Village Installation

Review (as necessary):

Village Attorney X	_____	Date _____
Finance Director X	_____	Date _____
Village Manager X	<u>Scott Niehaus</u>	Date <u>4/5/21</u>

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



To: Scott Niehaus, Village Manager
From: Deputy Chief Joseph Grage, Police Department
Through: Roy Newton, Chief of Police
Date: March 9th, 2021
Subject: Traffic Code Revision-Solicitors

The 7th Circuit Federal Court recently opined in *Dumiak and Simmons Vs. Village of Downers Grove* that 625 ILCS 5/11-1006 c is unconstitutional. This section is currently adopted as an ordinance by reference in the Village of Lombard Traffic Code. On the advice of Village Attorney Bayer we need to remove our traffic code adoption of the section of the Illinois Compiled Statutes. The attached ordinance and agenda item accomplishes this. Please let me know if there are any questions.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE XIX, SECTION 10-19-1
OF THE LOMBARD TRAFFIC CODE (ORDINANCE NO. 1186), AS AMENDED,
TO DELETE THE INCORPORATION THEREIN, BY REFERENCE, OF 625 ILCS 5/11-1006(c)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Article XIX, Section 10-19-1 of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended by adding a new sentence, between the first and second sentences thereof, which shall read in its entirety as follows:

“Notwithstanding the foregoing, 625 ILCS 5/11-1006(c) is not adopted by reference, and the provisions thereof shall not be subject to enforcement as a Village ordinance violation pursuant to this Section 10-19-1.”

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this _____ day of _____, 2021.

First reading waived by action of the Board of Trustees this ____ day of _____, 2021.

Passed on second reading this ____ day of _____, 2021, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2021.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2021.

Sharon Kuderna, Village Clerk