

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 x Resolution or Ordinance (Blue) _____ *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: October 5, 2020 AGENDA DATE: October 15th, 2020

TITLE: Village of Lombard Traffic Code Update/Modernization

SUBMITTED BY: Deputy Chief Joseph Grage, Police Department

BACKGROUND/POLICY IMPLICATIONS:

Proposed ordinance revision would update the Village of Lombard Traffic Code by enacting the following changes:

Elimination of redundant and/or outdated language covered by the Village’s adoption of the Illinois Vehicle Code that occurred years ago.

Repeal outdated sections that have been ruled unconstitutional or are inconsistent with prevailing state law.

Raise minimum fines for offenses to \$35.00 in line with the current fine for parking citations.

Renumerate or reserve certain section numbers for future use.

FISCAL IMPACT/FUNDING SOURCE

No fiscal impact.

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: Materials must be submitted to / approved by the Village Manager's Office by 12:00 pm, 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: October 2nd, 2020
Subject: Village Lombard Traffic Code Update

Village of Lombard Traffic Code Update

While reviewing the traffic code as part of the compliance citation project I discovered that there was a large amount of redundant language as a result of the fact that we had adopted the Illinois Vehicle Code. Some of the ordinances had outdated language for some of the offenses and there was at least one ordinance that had been declared unconstitutional (motorcycle helmet use law).

I subsequently worked with Village Attorney Tom Bayer to update the traffic code to eliminate redundant and/or outdated language, repeal unconstitutional sections, update sections to be consistent with prevailing state law, raise minimum fines to the same level as parking citations, and renumber the sections left over.

The update of the traffic code will shorten it significantly and make it more useable both for staff as well as the public. Additionally, the update will allow the portions of the traffic code that mirror the Illinois Vehicle Code to update when the state legislature changes law rather than require the additional step of requiring the Village Board to update the law in the traffic code as well.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LOMBARD TRAFFIC CODE (ORDINANCE NO. 1186) TO DELETE TRAFFIC REGULATIONS, ALREADY COVERED BY THE VILLAGE'S INCORPORATION OF THE ILLINIOS VEHICLE CODE BY REFERENCE INTO THE LOMBARD TRAFFIC CODE, AND TO RENUMBER AND EDIT THE REMAINING SECTIONS AND SCHEDULES WITHIN THE LOMBARD TRAFFIC CODE AS A RESULT OF SAID DELETIONS

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

SECTION 1: That Article I, Section 10-1-1 of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended to read in its entirety as follows:

"Section 10-1-1 Definitions. The defined terms and definitions, as set forth in the Illinois Vehicle Code, which is adopted by reference pursuant to Section 10-19-1 of this Lombard Traffic Code, shall, when used in this Lombard Traffic Code, have the meanings ascribed to them in the Illinois Vehicle Code."

SECTION 2: That Article II of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended as follows:

A. That the title of Article II is amended to read in its entirety as follows:

"ARTICLE II – APPLICATION OF THE TRAFFIC LAWS PROVIDED FOR IN THE LOMBARD TRAFFIC CODE"

B. Section 10-2-1 is amended by revising the reference to "Articles IV and V", as contained in subsection 2 thereof, to read "Article V".

C. Sections 10-2-2, 10-2-3, 10-2-4 and 10-2-5 are hereby repealed.

SECTION 3: That Article III of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended as follows:

A. Sections 10-3-1, 10-3-2, 10-3-3, 10-3-4, 10-4-5 and 10-3-6 are hereby repealed.

B. Sections 10-3-7, 10-3-8 and 10-3-9 are hereby relabeled as Sections 10-3-1, 10-3-2 and 10-3-3, respectively.

SECTION 4: That Article IV of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby repealed, with the following being inserted in its place in the Lombard Traffic Code:

“ARTICLE IV (RESERVED)”

SECTION 5: That Article V of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended as follows:

A. The title of Article V is amended to read in its entirety as follows:

“**ARTICLE V – DRIVING WHILE UNDER THE INFLUENCE**”

B. Section 10-5-1 is hereby repealed.

C. Section 10-5-2 is hereby relabeled as Section 10-5-1.

SECTION 6: That Article VI, Section 10-6-1 of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended to read in its entirety as follows:

“**Section 10-6-1 Speed Restrictions.** As authorized by law, it is hereby determined, upon the basis of an engineering and traffic investigation, that the reasonable and safe maximum speed limits on certain designated streets or highways, or portions of streets or highways, within the Village should be and are hereby established as provided in Schedule I attached hereto and made part hereof.”

SECTION 7: That Article VII of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby repealed, with the following being inserted in its place in the Lombard Traffic Code:

“ARTICLE VII (RESERVED)”

SECTION 8: That Article VIII of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby repealed, with the following being inserted in its place in the

Lombard Traffic Code:

“ARTICLE VIII (RESERVED)”

SECTION 9: That Article IX of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended as follows:

A. The last sentence of Section 10-9-2 is amended to read in its entirety as follows:

“Those streets and parts of streets described in Schedule II, attached hereto and made part hereof, are hereby declared to be through streets for the purpose of this Section.”

B. The last sentence of Section 10-9-3 is amended to read in its entirety as follows:

“Those intersections and parts of intersections described in Schedule III, attached hereto and made part hereof, are hereby declared to be stop intersections for the purpose of this Section.”

C. The last sentence of Section 10-9-4 is amended to read in its entirety as follows:

“Those streets or portions of streets described in Schedule IV, attached hereto and made part hereof, are hereby declared to be stop streets at the intersections, entrances or points designated therein for the purpose of this Section.”

D. The last sentence of Section 10-9-5 is amended to read in its entirety as follows:

“Those streets or portions of streets described in Schedule V, attached hereto and made part hereof, are hereby declared to be preferential streets at the intersections or entrances designated therein for the purpose of this Section.”

E. The last sentence of Section 10-9-6 is amended to read in its entirety as follows:

“Those streets and portions of streets described in Schedule VI, attached hereto and made part hereof, are hereby declared to be one-way streets for the purpose of this Section.”

F. Sections 10-9-7, 10-9-8, 10-9-9, 10-9-10 and 10-9-11 are hereby repealed.

SECTION 10: That Article X of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby repealed, with the following being inserted in its place in the

Lombard Traffic Code:

“ARTICLE X (RESERVED)”

SECTION 11: That Article XI of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby repealed, with the following being inserted in its place in the Lombard Traffic Code:

“ARTICLE XI (RESERVED)”

SECTION 12: That Article XII, Sections 10-12-2, 10-12-3 and 10-12-4 of the Lombard Traffic Code (Ordinance No. 1186, as amended) are hereby repealed.

SECTION 13: That Article XIII of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby amended as follows:

A. Section 10-13-1(b) is amended to read in its entirety as follows:

“(b) No person shall park a vehicle, or a specifically identified type of vehicle, as the case may be, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, at any place where official signs prohibit parking upon those streets or portions of streets described in Schedules VII, XX, XXI and XXII, attached hereto and made part hereof.”

B. Section 10-13-3 is amended to read in its entirety as follows:

“**Section 10-13-3 Parking prohibited during certain hours on certain streets.** When signs are erected giving notice thereof, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, between the hours specified in Schedule VIII, attached hereto and made part hereof, upon any of the streets or portions of streets described in Schedule VIII for the purpose of this Section.”

C. Section 10-13-4 is amended to read in its entirety as follows:

“**Section 10-13-4 Parking prohibited during certain hours on Sunday.** When signs are erected giving notice thereof, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, between the hours specified in Schedule IX, attached hereto and

made part hereof, on Sundays, upon any of the streets or portions of streets described in Schedule IX for the purpose of this Section.”

D. Section 10-13-10 is amended to read in its entirety as follows:

“**Section 10-13-10 Parking time limited on certain streets.** When signs are erected giving notice thereof, no person shall park a vehicle upon any of the streets or portions of streets described in Schedule X, attached hereto and made part hereof, for a period of time longer than that specified in said Schedule X for the purpose of this Section.”

E. Section 10-13-11 is amended to read in its entirety as follows:

“**Section 10-13-11 Cab Stands – Bus Zones – Village Vehicle Zones.** No vehicle other than a licensed taxicab, bus or a Village-owned vehicle shall be parked in any of the areas designated respectively as a taxicab stand, a bus loading zone or a Village vehicle parking zone in Schedule XI, attached hereto and made part hereof, for the purpose of this Section.”

F. That Section 10-13-18(d) is hereby repealed.

G. Section 10-13-22(a) is amended by revising, “and made part of this Ordinance by resolution of the Village Board of Trustees,” as contained therein, to read, “attached hereto and made part hereof.”

H. Section 10-13-23.3 of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended by adding anew subsection (e) thereto, which shall read in its entirety as follows:

“(e) That those locations, as set forth in Schedule XVII, attached hereto and made part hereof, are specifically designated as parking spaces for persons with disabilities.”

SECTION 14: That Article XIV of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended as follows:

A. Sections 10-14-1, 10-14-2, 10-14-3, 10-14-4, 10-14-5, 10-14-6, 10-14-7, 10-14-8, 10-14-9, 10-14-10, 10-14-11, 10-14-12, 10-14-13, 10-14-14, 10-14-15, 10-14-16, 10-14-17, 10-14-18 and 10-14-19 are hereby repealed.

B. Sections 10-14-20 and 10-14-21 are hereby relabeled as Sections 10-14-1 and 10-14-2, respectively.

C. New Sections 10-14-3 through 10-14-7 are added thereto, with said Sections to read in their entirety as follows:

“Section 10-14-3 Right Turn on Red Traffic Signals. It shall be unlawful to make a right turn on a red traffic signal at those locations where said right turn on a red traffic signal is prohibited, as set forth in Schedule XIII attached hereto and made part hereof.

Section 10-14-4 No Left Turn. It shall be unlawful to make a left turn at those locations where said left turn is prohibited, as set forth in Schedule XIV attached hereto and made part hereof.

Section 10-14-5 No Right Turn. It shall be unlawful to make a right turn at those locations where said right turn is prohibited, as set forth in Schedule XV attached hereto and made part hereof.

Section 10-14-6 School Zones. For purposes of limiting the speed of motor vehicles traveling through the locations as set forth in Schedule XVI attached hereto and made part hereof are hereby designated as school zones.

Section 10-14-7 No U-Turn. It shall be unlawful to make a U-turn at those locations where a U-turn is prohibited, as set forth in Schedule XVIII attached hereto and made part hereof.”

SECTION 15: That Article XV of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended as follows:

- A. Section 10-15-2 is hereby repealed.
- B. Sections 10-15-3 and 10-15-4 are hereby relabeled as Sections 10-15-2 and 10-15-3, respectively.
- C. New Section 10-15-2 (old Section 10-15-3) is amended by revising the reference therein to “Schedule XXI” to read, “Schedule XIX”.

SECTION 16: That Article XVI of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended as follows:

- A. Section 10-16-1 is amended to read in its entirety as follows:

“Section 10-16-1 Application of Rules.

(a) Any person, firm or corporation violating any provisions of this Article where no other penalty is provided shall be fined no less than thirty-five

and no/100 dollars (\$35.00) nor more than seven hundred fifty and no/100 dollars (\$750.00).

(b) The parent of any child, and the guardian of any ward, shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Article.

(c) The regulations applicable to bicycles, as set forth in Chapter 11, Article XV of the Illinois Vehicle Code, as adopted by reference pursuant to Section 10-19-1 below, shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions set forth in said Chapter 11, Article XV of the Illinois Vehicle Code.”

- B. Sections 10-16-2, 10-16-3, 10-16-4, 10-16-5, 10-16-6, 10-16-7, 10-16-8, 10-16-9, 10-16-10, 10-16-11, 10-16-12, 10-16-13, 10-16-14, 10-16-15 and 10-16-16 are hereby repealed.

SECTION 17: That Article XVII of the Lombard Traffic Code (Ordinance No. 1186, as amended) is hereby repealed, with the following being inserted in its place in the Lombard Traffic Code:

“ARTICLE XVII (RESERVED)”

SECTION 18: That Article XVIII, Section 10-18-1 of the Lombard Traffic Code is amended to read in its entirety as follows:

“Any person, firm or corporation violating any provision of this Lombard Traffic Code, where no other penalty is provided, shall be fined not less than thirty-five and no/100 dollars (\$35.00) nor more than seven hundred fifty and no/100 dollars (\$750.00) for each offense.”

SECTION 19: That Article XIX of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended as follows:

- A. That Section 10-19-1 is amended by deleting the following language from the first sentence thereof:
1. “and Child Passenger Protection Act”
 2. “and Act 25”
- B. That Section 10-19-2 is amended by revising the following language, from the

beginning thereof, "Except as provided in Section 10-16-5 of this Traffic Code," to read "Except as provided elsewhere in this Lombard Traffic Code,".

SECTION 20: That Schedule XVI of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended by revising the opening paragraph, prior to subsection A, to read in its entirety as follows:

"The following locations are hereby designated as school zones:"

SECTION 21: That Schedule XVII of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended by revising the word "HANDICAPPED", as contained in the title thereto, to read, "PERSONS WITH DISABILITIES".

SECTION 22: That Schedule XVIII of the Lombard Traffic Code (Ordinance No. 1186, as amended) is amended by revising the reference therein to "Section 10-8-5" to read, "Section 10-14-7".

SECTION 23: 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 _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Passed on second reading this ____ day of _____, 2020, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk