

CHAPTER 71: RULES OF OPERATION

Section

Controlled Substances

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CONTROLLED SUBSTANCES

§ 71.01 PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS.

(A) A person shall not drive or be in actual physical control of any vehicle within this State while:

- (1) The alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in ILCS Ch. 625, Act 5, § 11-501.2;
- (2) Under the influence of alcohol;
- (3) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely driving;
- (4) Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;
- (5) Under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) There is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act (ILCS Ch. 720, Act 550, §§ 1 *et seq.*), a controlled substance listed in the Illinois Controlled Substances Act (ILCS Ch. 720, Act 570, §§ 100 *et seq.*), or an intoxicating compound listed in the Use of Intoxicating Compounds Act (ILCS Ch. 720, Act 690, §§ 0.01 *et seq.*).

(B) The fact that any person charged with violating this section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this section.

(C) Every person convicted of violating this section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this section or a similar provision of a law of another state or local ordinance committed within five years of a previous violation of this section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this section or a similar provision of a local ordinance shall be subject to a mandatory minimum fine of \$500 and a mandatory five days of community service in a program benefitting children if the person committed a violation of division (A) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this section or a similar provision of a local ordinance within five years of a previous violation of this section or a similar provision of a law of another state or local ordinance shall be subject to a mandatory minimum fine of \$500 and ten days of mandatory community service in a program benefitting children if the current offense was committed while transporting a person under the age 16. The imprisonment or assignment under this division shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(D) Whoever violates division (A) of this section while driving or being in actual physical control of any school bus, as defined under ILCS Ch. 625, Act 5, § 1-182, and while the bus is occupied by school children shall be guilty of a felony and shall be punished under appropriate state law.

(E) Whoever violates division (A) of this section while involved in a motor vehicle accident which results in great bodily harm, permanent disability, or disfigurement to another, when the violation is a proximate cause of such injuries to another shall be guilty of a felony and shall be punished under appropriate state law.

(F) After a finding of guilt and prior to any final sentencing for an offense based upon an arrest for a violation of this section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Alcoholism and Substance

Abuse. The cost of any such professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

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(G) The Secretary of State shall revoke the driving privileges of any person convicted under this section or a similar provision of a local ordinance.

(H) Pursuant to the provisions of ILCS Ch. 730, Act 5, § 5-5-3, in addition to any other fine or penalty required or imposed by law, any individual convicted of a violation of the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-501, whose operation of a motor vehicle while in violation of said § 11-501 proximately caused an incident resulting in an appropriate emergency response by the village shall be required to make restitution to the village for the costs of that emergency response. Such restitution shall not exceed \$500 for each such emergency response, and the amount of such restitution shall be determined in accordance with a resolution setting forth such costs approved by the village (as amended from time to time). For purposes of this section, **EMERGENCY RESPONSE** shall mean any incident requiring a response by a police officer, a firefighter carried on the rolls of the regular Fire Department, and an ambulance.

(I) In addition to any other penalties and liabilities, a person who is found guilty or pleads guilty of violating this section, including any person placed on court supervision for violating this section, shall be fined \$100, payable to the Circuit Clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this section or a similar provision of a local ordinance, the fine shall be \$200. In the event that more than one agency is responsible for the arrest, the \$100 or \$200 shall be shared equally. Any moneys received by a law enforcement agency under this division shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the state. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(‘79 Code, § 73.02) (Ord. 817, passed 3-5-73; Am. Ord. 1456, passed 12-3-90) Penalty, see § 71.99

Statutory reference:

Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, see ILCS Ch. 625, Act 5, § 11-501

§ 71.02 DRIVING ON STREETS DESIGNATED AS PLAY STREETS.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle on any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving on such street or portion thereof.

(‘79 Code, § 73.34) (Ord. 817, passed 3-5-73) Penalty, see § 71.99

§ 71.03 DRIVING ON STREETS DESIGNATED AS ZONES OF QUIET.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor

vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

('79 Code, § 73.35) (Ord. 817, passed 3-5-73) Penalty, see § 71.99

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§ 71.04 SPEED RESTRICTIONS GENERALLY.

(A) No person shall drive a vehicle on any public street in the municipality at a speed greater than is reasonable and proper having regard to the traffic and the use of the way or so as to endanger the life or limb or injure the property of any person. Except where the speed limit is otherwise posted, if the rate of speed of any motor vehicle operated on any public street in the municipality exceeds 25 miles an hour, such rate of speed shall be prima facie evidence that the person operating such motor vehicle is running at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the way or so as to endanger the life or limb or injure the property of any person.

(B) The maximum speed limit for a vehicle is as follows:

(1) Outside an urban district, the maximum is 55 miles per hour.

(2) On 216th Street from Maple Street west to the municipal limits, the maximum is 30 miles per hour.

(3) On Main Street, the maximum is 30 miles per hour.

(4) On all other streets and ways within the municipal limits, the maximum is 25 miles per hour.

(C) The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling on any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and speed shall be decreased as may be necessary to avoid colliding with any legal requirements and the duty of all persons to use due care.

('79 Code, § 73.42) (Ord. 817, passed 3-5-73) Penalty, see § 71.99

Statutory reference:

Alteration of limits by local authorities, see ILCS Ch. 625, Act 5, § 11-604

§ 71.05 PROHIBITED MOTOR VEHICLES.

(A) For purposes of this section, a **MOTOR VEHICLE** shall include every vehicle which is self propelled, to include snowmobiles.

(B) It shall be unlawful to operate a motor vehicle at any time, on an unimproved surface located on private property within the village without the express written consent of the owner of that property.

(C) Excluded from this section is the operation on unimproved surfaces of farm equipment and vehicles, utility vehicles and construction equipment and vehicles; all which are in normal usage. In

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addition, this section shall not apply to the operation of motor vehicles on unimproved surfaces which are temporarily designated as detour routes from existing established highways. ('79 Code, § 73.45) (Ord. 1377, passed 2-21-89) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 70.99.

(B) Any person violating the provisions of § 71.05 of this chapter shall be fined not less than \$25 nor more than \$750 for each offense. ('79 Code, § 73.45) (Ord. 1377, passed 2-21-89)

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