

ORDINANCE NUMBER 10-~~88~~ 51

**AN ORDINANCE AMENDING TITLE VII: TRAFFIC
CODE, CHAPTER 70: GENERAL PROVISIONS
BY ADDING A NEW SECTION 70.09
PROHIBITING TRUCK TRAFFIC ON NORTH STREET IN
THE VILLAGE OF EAST DUNDEE, COOK AND KANE
COUNTIES, ILLINOIS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village of East Dundee has determined that certain roads in the Village are inappropriate for motor truck traffic because of the predominantly residential character of the area; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee have determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that motor truck traffic be banned from North Street in the Village of East Dundee, Counties of Cook and Kane, Illinois.

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That Title VII; Traffic Code, Chapter 70: General Provisions is amended to add a new Section: 70.09: Prohibiting Truck Traffic on North Street in the Village of East Dundee, Cook and Kane County, Illinois, as follows:

Title VII, Chapter 70,

§70.09 Motor Trucks Prohibited on North Street in the Village of East Dundee, Illinois

A. **Definitions.** For the purposes of this ordinance, the following definitions apply:

- (1) "Motor Truck" for this ordinance means every motor vehicle used or maintained primarily for the transportation of property and having a maximum registered gross weight on registration in excess of 10,000 pounds, excluding recreational vehicles, emergency governmental vehicles, up to one-ton pickups, tow trucks, buses and city franchised vehicles.
- (2) "Truck Trailer" means every vehicle without motive power which:
- (a) Has a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.
 - (b) Is designated for carrying property and for being drawn by a motor vehicle.
- (3) "Truck Tractor" means any motor vehicle used or designed for use with a semi-trailer for carrying, conveying, or moving over the highways any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.

B. Motor Truck Traffic Prohibited.

- (1) Except as provided in subsection (2), no person shall operate any motor truck upon North Street within the Village.
- (2) It shall be an affirmative defense to a violation of Section 2(1) that the motor truck is being operated on North Street for the primary purpose of engaging in one or more of the following activities:
- (a) Receiving or discharging goods or performing any contracted work at any business or residence on North Street including landscaping, plumbing, and electrical work;
 - (b) Servicing utility facilities or construction sites in the city.

C. Signage.

- (1) The Public Works Director is hereby authorized and directed to erect and maintain specialized traffic directional control signs on North Street in a conspicuous manner and place at each end of the roadway or section thereof in order to give notice of this regulation.

D. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a traffic infraction and shall be dealt with according to the procedures established by Title I: General Provisions, Chapter 10, Rules of Construction;

General Penalty, Section 10.99 of the Village of East Dundee Code of Ordinances.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 20th day of December, 2010, pursuant to a roll call vote as follows:

AYES:

7-Trustees Ruffalo, Gorman, Lyman, Miller, Cichowski,

NAYES:

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Van Osten bridge & President Bartels

ABSENT:

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Approved by me this 20th day of December, 2010.

Jerald Bartels

JERALD BARTELS, President

Published in pamphlet form this 30th day of December, 2010, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Reberg
JENNIFER REBERG, Village Clerk

Recorded in the Village Records on Dec. 30th, 2010.

