

CHAPTER 15 TRAFFIC

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15.01 **TRAFFIC REGULATIONS** *Amended, 1998-99-15, 2015-2016-06*

A. Adoption and Incorporation by Reference of Specific Chapters of the Illinois Vehicle Code: Pursuant to 625 ILCS 5/20-204 of the Illinois Vehicle Code, the Village of Bull Valley hereby adopts and incorporates by reference all paragraphs and sections of the Illinois Vehicle Code and subsequent amendments (625 ILCS 5/1-100 *et seq.*) as Chapter 15 of its Municipal Code (Bull Valley Municipal Code, Chapter 41 §§1-100 *et seq.*) The section numbers used in the Illinois Vehicle Code shall be identical to those section numbers in the Bull Valley Municipal Code.

B. Penalty: All penalty provisions contained or referred to or incorporated in Section 15.01 are also adopted and incorporated, including but not limited to those contained in the Unified Code of Corrections (730 ILCS 5/1-1-1 *et seq.*), as Chapter 15.907-01 of the Bull Valley Municipal Code, Chapter 15 pars. 1-100 *et seq.*; 11-100 *et seq.*; 12-100 *et seq.*; 15-100 *et seq.*; 16-101 *et seq.*; and 20-101 *et seq.*), with the exception of the fine penalties listed for persons found guilty of violating Chapter 15, pars. 11-501(a)(1); 11-501(a)(2); 11-501(a)(3); and 11-501(a)(4). Any person found guilty of violating Chapter 15, pars. 11-501(a)(1); 11-501(a)(2); 11-501(a)(3); and 11-501(a)(4) shall be fined not less than \$750.00 nor more than \$2,500.00. All other penalties listed for violations of these offenses shall be applicable.

C. Applicability: The penalty provided by this Section applies to the amendment of any section of this Ordinance adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

D. Reference to Sections: Reference to a section of this Ordinance shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

15.02 **MODIFICATION OF STATE SPEED LIMIT IN CERTAIN ZONES** *Amended, 2009-10-18, 2002-03-42, 2002-03-03, 2000-01-8, 1998-99-13*

It is hereby determined upon the basis of a traffic investigation that the speed permitted by the Illinois Vehicle Code upon the following streets is greater than is reasonable or safe under the

conditions found to exist upon such streets and it is hereby declared that the maximum speed limit shall be as herein set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

STREET	FROM	TO	MAXIMUM PERMITTED SPEED (MPH)
Bull Valley Road	10,000 block	Country Club Road	45 MPH
Bull Valley Road	10,400 block	Fleming Road	40 MPH
Bull Valley Road	Fleming Road	High Meadow Road	35 MPH
Bull Valley Road	High Meadow Road	Eastern Village Limits	40 MPH
Cherry Valley Road	Bull Valley Road	Mason Hill Road	40 MPH
Cherry Valley Road	Crystal Springs Road	Mason Hill Road	50 MPH
Cherry Valley Road	Crystal Springs Road	South Village Limits	45 MPH
Cherry Valley Road	Crystal Springs Road	South Village Limits	50 MPH
Cold Springs Road	North Village Limits	Bull Valley Road	35 MPH
Country Club Road	Eastern Village Limits	Western Village Limits	45 MPH
Crystal Springs Road	Eastern Village Limits	Western Village Limits	45 MPH
Greenwood Road	North Village Limits	South Village Limits	55 MPH
Mason Hill Road	Western Village Limits	Eastern Village Limits	50 MPH
Queene Anne Road	200 Block	Bull Valley Road	50 MPH
Ridge Road	North Village Limits	Bull Valley Road	40 MPH
Thompson Road	Western Village Limits	Shadow Lane	45 MPH
Thompson Road	Shadow Lane	Northern Village Limits	35 MPH
Valley Hill Road	North Village Limits	Bull Valley Road	35 MPH
Valley Hill Road	Bull Valley Road	South Village Limits	40 MPH
Walkup Road	North Village Limits	South Village limits	45 MPH
All other streets or portions thereof within the Village limits			30 MPH

15.03 THROUGH STREETS

The streets and parts of streets in the Village described immediately hereunder as through streets are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street in obedience to a stop sign at such entrance and, before entering or crossing the same, shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by the traffic officer or traffic control signal. Such through streets are as follows:

STREET	AT INTERSECTION WITH
Bull Valley Road	Locust Lane, Blackberry Lane, High Meadow Drive, North Cherry Valley Road, Orchard Valley Drive
Concord Drive	Swarthmore Court (northbound only), Breckenridge Court
Mason Hill Road	North Cherry Valley Road, South Cherry Valley Road
North Cherry Valley Road	Saddle Creek Trail, Orchard Valley Drive
North Valley Hill Road	Concord Drive
Saddle Creek Trail	Boone Creek Court

Sudeberg Court	Swarthmore Court (northbound only)
Thompson Road	Cold Springs Road

15.04 STOP INTERSECTIONS *Amended, 2000-01-8*

The following streets and other intersections requiring stop signs are hereby designated as stop intersections. The driver of a vehicle approaching such intersection shall stop in obedience to a stop sign at such intersection where a stop sign is erected at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless directed otherwise by the traffic officer or a traffic control signal. Such stop and other intersections and the direction of traffic which is requested to stop are as follows:

At the intersection of Bull Valley Road and Fleming Road, in all directions;

At the intersection of Bull Valley Road and Cold Springs Road, in all directions;

At the intersection of Bull Valley Road and Valley Hill Road, in all directions;

At the intersection of Bull Valley Road and Ridge Road, in all directions.

At the intersection of Cherry Valley Road and Crystal Springs Road, northbound and southbound traffic on Cherry Valley Road.

At the intersection of Crystal Springs Road and Walkup Road, eastbound traffic on Crystal Springs Road.

15.05 NO PASSING ZONES *Amended, 2000-01-25*

Any portion of any street in the Village which, as of the date of this Ordinance, was, by virtue of official action of the County or any other appropriate governmental agency, declared and marked as a “No Passing Zone,” is hereby declared to be a “No Passing Zone” within the meaning of 625 ILCS 5/11-707 of the Illinois Vehicle Code. Such No Passing Zones include, but are not limited to:

Bull Valley Road in all directions.

Cold Springs Road in all directions.

Valley Hill Road in all directions.

15.06 VEHICLE LOADS AND WEIGHT REGULATIONS *Amended, 2022-23-19, 2014-15-08, 2013-14-06; 2011-12-6, 2001-02-54, 1998-99-15, 2015-2016-06*

A. Definitions. Terms used in this section mean as follows:

Public Utility: Any corporation, company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates or manages, with the State of Illinois, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in:

1. The transmission of telegraph or telephone messages between points within the State of Illinois;
2. The production, storage, transmission, sale, delivery or furnishing of heat, cold, light, power, electricity or water;
3. The conveyance of oil or gas by pipeline; and
4. The disposal of sewerage.

Public Safety Emergency: Any condition wherein the service offered by a public utility or a unit of government has been interrupted, curtailed or damaged, an immediate, substantial and harmful threat to the public health and safety exists, and will continue if such condition is not immediately repaired. Without limiting the generality thereof, a threat to the public health and safety includes damage to telegraphic, telephonic, heating, cooling, lighting, power, electrical, water, sewerage, oil or gas equipment facilities, machinery or property of a hospital or other building providing inpatient health care services, a school, a nursing home or a government building.

Construction Vehicle: Any vehicle used in, and that is hauling, picking up or delivering materials, equipment and related apparatus then being used in the construction, remodeling, repair, replacement, enlargement or addition of or to any improvement on a lawful site within the corporate limits of the Village for which a building permit has been duly issued, and is then outstanding, by the Zoning Officer of the Village under the provisions of Chapter 14 of the Municipal Code.

Through Vehicle: Any vehicle that traverses the roads of the Village from the point of entrance to the point of exit without providing a legitimate service as described in 15.06-D-1-a to a lawful location within the corporate limits of the Village during the course of such traverse, other than a public utility vehicle engaged in a public service emergency.

Crop Harvest Permit: A permit issued under Section 15.06-F of this Ordinance to the owner of a through vehicle, which vehicle is engaged in the hauling of harvested farm crops, including, but not limited to grain, that have been planted and cultivated on, and harvested from, land owned or rented by the owner of said vehicle.

B. Axle Loads and Gross Weights.

1. Where lower size and weight limits or other restrictions are imposed by ordinance under the authority of 625 ILCS 5/15-111, 15-316 and 15-317 and signs indicating such limitations or restrictions are posted, it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions except as allowed by ordinance. The following vehicles are exempt from this Section:

- a. A vehicle (other than a construction vehicle), including, but not limited to, an agricultural implement, being used for the sole purpose of making a lawful delivery to, picking up a lawful load from, or otherwise lawfully serving, a lawful location within the corporate limits of the Village, so long as any such vehicle does not exceed the axle load and gross weight limitations of 625 ILCS 5/15-111 (hereinafter referred to as the Illinois Vehicle Code), and further so long as, and provided and on condition that, such vehicle enters the Village at the intersection nearest the destination of the vehicle and proceeds therein no further than the nearest intersection leading out of the Village thereafter;
- b. Vehicles operated by a public utility engaged in the repair of public utility services interrupted, curtailed or damaged by a public service emergency;
- c. Fire apparatus and fire fighting vehicles in route to or from a site where there has been a request for the service of such vehicles;
- d. Vehicles used for the clearing of ice, snow and obstructions from public roads in route to or from roads to be cleared;
- e. Tow trucks (subject, however, to 625 ILCS 5/15-111(e) of the Illinois Vehicle Code), ambulances, rescue squad vehicles and other health emergency vehicles in route to or from a site where their services are then needed;
- f. “Construction vehicles” as defined in the Village’s Municipal Code;
- g. Vehicles operating under a special permit as provided in Section 15.06-F.

2(a) Except as provided in 15.06(B)(1) of this section, and unless otherwise posted in accordance with Section C below, vehicles with a gross vehicle weight of 16,000 lbs. or more or when any such vehicle is registered as being in excess of 16,000 pounds are prohibited from travel on any road within the Village and under the Village’s jurisdiction. The restrictions contained herein are in addition to other restrictions contained in Chapter 15 of the Village of Bull Valley Municipal Code.

C. Temporary Prohibition of Certain Classes of Vehicles.

- 1. Whenever any highway or road, or parts thereof, under the jurisdiction of the Village, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed by the use of trucks or

other commercial vehicles, the operation of said vehicles thereon shall be prohibited.

2. The Village Road Supervisor or Trustee Liaison for Public Safety is hereby authorized to determine and designate the time and the highways, roads, or parts thereof, which shall be so seriously damaged or destroyed as above provided, and shall so advise the Board of Trustees. The Board of Trustees, by resolution, may prohibit the operation of trucks or other commercial vehicles over and upon such roads or highways, or parts thereof, so designated, provided that said prohibition shall not exceed 90 days in any one calendar year.
3. Upon enacting such resolution, the Board shall cause to be erected and maintained signs designating the provision of the resolution at each end of that portion of any highway or road, or parts thereof, affected thereby; and the resolution shall not be effective unless and until such signs are erected and maintained.
4. If the President of the Village (or in his absence, the President Pro Tem) shall determine that any roads or highways, or parts thereof, might suffer serious damage prior to the time in which the Board of Trustees could meet for the purpose of taking remedial action as provided in Sections 2 and 3 above, then in such emergency the President (or in his absence, the President Pro Tem) may act alone in prohibiting the operation of trucks or other commercial vehicles over and upon such roads or highways, or parts thereof, and may direct the erection of signs at each end of such road or highway, or parts thereof, affected thereby.

The Board of Trustees, at its next regular meeting called after action taken by the President or President Pro Tem, as provided above, shall either confirm said action by resolution and extend said prohibition for a period not to exceed 90 days; or, by resolution, direct that the signs be removed and declare that no emergency exists.

D. Special Permits; Fees.

1. Special Permits Required. Any vehicle that exceeds the width, height, length or weight limitations, or some or all of them, of the Illinois Vehicle Code, Chapter 625, Sections 5/15-102 (width), 5/15-103 (height), 5/15-107 (length), and 5/15-111 (weight) may be operated on a street or streets, road or roads, of the Village upon issuance to the owner of the vehicle by the Administrator or designee or if the Village has no police department, by the chief of such police department with whom the Village is under additional contract for police service for the Village, of a special written permit, to be issued only under the following conditions and subject to the following limitations:

- a. The issuer shall establish the most direct and shortest route consistent with the public safety, taking into consideration existing traffic, the character of the road or roads, and the configuration of the terrain.
 - b. An application for the permit is executed and submitted by the owner of the vehicle seeking it.
 - c. The applicant shows there is no other route available on public roads except for a route including Village roads.
2. Application for Special Permit. Application for a special permit shall be made in writing on forms provided by the Village and verified under oath by the Administrator or designee and shall contain the following information:
- a. The name and address of the owner or lessee of the vehicle;
 - b. Applicant's name;
 - c. Type of permit request whether it is for a single trip, round trip, or multiple routing;
 - d. The description and registration of the power unit;
 - e. Description of the object or vehicle to be moved;
 - f. The number of axles of the vehicle or combination of vehicles;
 - g. The axle weights of all single, tandem or series axles;
 - h. Gross weight of the vehicle;
 - i. The width, length and height of the vehicle and load;
 - j. The origin of the load within Illinois or state line if the origin is outside the jurisdiction of the Village, copies of all county and/or state of Illinois permits must be attached to the application prior to approval and issuance of a Village special permit;
 - k. Requested routing over Village streets and to specific location.
3. Issuance of Permit. The permit shall be issued subject to the condition that the route established by the issuer shall be followed at all times by the permittee, and further provided and on condition that issuance of such

permit shall not be deemed to be a waiver or release of liability by the Village in favor of the permittee for damage to the streets or roads of the Village that is or may be caused by such vehicle in its operation over such streets and roads.

A permit shall be issued for a period of one day, hereinafter called a One Day Permit, or for a period of not less than two days and not more than seven days, hereinafter called a Seven Day Permit, or for a period of not less than eight days and not more than 30 days, hereinafter called a Thirty Day Permit, except that a Crop Harvest Permit shall be issued for a period of no more than 60 consecutive days. The Seven Day Permit shall remain valid for 30 days after the date the permit has been issued. The Thirty Day Permit shall remain valid for 90 days after the date the permit has been issued. The actual days of use under the Seven Day or the Thirty Day Permit need not be consecutive.

The Administrator or designee shall act to allow or deny the requested special permit in one business day following the receipt by him of a fully completed Application for Special Permit and a check or money order for the application fee. The Administrator shall report the number and nature of all permits issued each month to the Board of Trustees.

4. The fees for special permits shall be paid at the time of application by a check or money order and shall be as follows:

One Day Permit:	\$ 25.00
Seven Day Permit:	50.00
Thirty Day Permit:	100.00
Crop Harvest Permit:	50.00

E. Signs. Signs shall be erected giving notice of the gross weight limitations on the bridges, roads and streets under the jurisdiction of the Village.

F. Weighing Vehicles; Removal of Loads.

1. Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales. If such scales are not available at the place where such vehicle is stopped the police officer shall require that such vehicle be driven to the nearest public scales.
2. Whenever an officer upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross

weight of such vehicle to such limit as permitted under the Illinois Vehicle Code, and shall forthwith arrest the driver. All materials so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

3. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a violation of this Chapter.

G. Enforcement, Penalties.

1. When any vehicle is operated on the roads and streets under the jurisdiction of the Village in violation of the provisions of Sections 15.06-B-D of this Code, the owner or driver, or both, of such vehicle shall be deemed guilty of such violation, and the owner or driver, or both, of such vehicle may be prosecuted for such violation.
2. Any person, firm, or corporation in violation of any provision of Sections 15.06-B-D of this Code shall be fined pursuant to the applicable provisions of the Illinois Vehicle Code as adopted and incorporated by reference in Section 15.01.

H. Civil Liability. Nothing contained in Section 15.06 or any subsection thereof, nor the lawful operation of a vehicle in accordance with Section 15.06 of any subsection thereof, shall be deemed to be a waiver or release of a vehicle, or both, over the streets or roads of the Village which causes damages to any such street or road by virtue of the use of such vehicles, the Village hereby specifically reserving any rights, privileges and powers it may have according to law to seek recompense for such damages.

15.07 RECLAIMED VEHICLES, EXPENSES *1997-98-12*

Pursuant to 625 ILCS 5/4-207 (Illinois Vehicle Code), any vehicle impound by the Village shall not be released to the owner, lien holder or other person until all towing, storage and processing charges incurred by the Village have been paid. If the Village stores the vehicle on Village property a storage charge shall be paid to the Village. The charge for said storage shall be \$10.00 per day.

15.08 AUTOMATED TRAFFIC ENFORCEMENT SYSTEM *2009-10-06; 2013-14-06*

A. Definitions: Terms used in this Section shall be defined as follows:

Automated traffic law enforcement system: A device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of

motor vehicles entering an intersection against a steady or flashing red signal indication in violation of 625 ILCS 5/11-306 or similar violation of this Code.

Disregarding a traffic control device: The failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in 625 ILCS 5/11-306.

No turn on red: Failure to stop and remain stopped, and not proceeding to turn right, at an intersection controlled by both a sign indicating “No turn on red,” or other similar language, and a red signal as provided for in 625 ILCS 5/11-306.

Recorded images: Images produced by the automated traffic law enforcement system, which consist of either two or more photographs; two or more microphotographs; two or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

Traffic Compliance Administrator: The person appointed as such who shall have the following powers: adopt, distribute and process automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties, operate the automated traffic law enforcement system, and make certified reports to the Secretary of State as required by this Section.

B. Violations: It shall be a violation of this Section for a vehicle to disregard a traffic control device or turn on red in violation of 625 ILCS 5/11-306.

C. Defenses: The following may be considered defenses by the Hearing Officer for a violation of 625 ILCS 5/14.261:

1. That the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation;
2. That the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession.

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

D. Notice of Violation: When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of 625 ILCS 5/14.261, the Village shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the Illinois Secretary of State notifies the Village of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The Village shall only be required to notify a lessee if the leasing

company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Postal Service approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Compliance Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of 625 ILCS 5/14.261, or whether one of the defenses enumerated in 625 ILCS 5/14.262 is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above. The Traffic Compliance Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in this Section.

The Notice of Violation shall include the following information:

1. The name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Service approved database;
2. The make (only if discernable) and registration number of the motor vehicle involved in the violation;
3. The violation charged;
4. The location where the violation occurred;
5. The date and time of the violation;
6. A copy of the recorded images;
7. The amount of the civil penalty and the date by which the penalty should be paid 21 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
8. A statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;

9. The amount of the late fee;
10. A statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
11. A statement that the recorded images constitute *prima facie* evidence of a violation;
12. A statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and
13. A statement of how an administrative hearing may be requested.

E. Hearing: The owner of a vehicle being operated in violation of 625 ILCS 5/14.261 may request a hearing by the respond-by date on the Notice of Violation (21 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of 625 ILCS 5/14.261. The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in 625 ILCS 5/14.262.

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

F. Non-residents: Where the registered owner or lessee of the cited vehicle is not a resident of the Village but seeks to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the Traffic Compliance Administrator no later than the hearing date, together with a written statement reflecting that they are non-residents of the Village. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination.

G. Final Determination: A final determination of an automated traffic law violation(s) liability shall:

1. Occur following the failure to pay the total assessed fine or penalty after the hearing officer's determination of vehicular standing, parking, compliance regulation or automated traffic law violation(s) liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth, or
2. Where a person fails to appear at a prior requested administrative hearing provided to contest the alleged standing, parking or compliance regulation

violation(s) on the date and at the time and place specified in a prior served or mailed notice, or fails to appear at the hearing for an automated traffic law violation on the date and at the time and place specified in a prior mailed notice, the hearing officer's determination of vehicular standing, parking, compliance regulation or automated traffic law violation(s) liability shall become final upon the exhaustion of or the failure to exhaust any administrative or judicial review procedures hereinafter set forth:

- a. Upon denial of a timely petition to set aside that determination, or
- b. Upon the expiration of the period for filing a petition without a filing having been made.

H. Notice of Determination of Liability: A determination of Automated Traffic Law Violation liability shall occur following failure to pay the fine or penalty, or to contest the alleged violation within 21 days of the Notice of Violation. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the Hearing Officer will enter findings, decision and order's determination of automated traffic law violation liability which shall become final: (a) upon denial of a timely petition to set aside that determination, or (b) upon expiration of the period for filing such a petition without a filing having been made. If a person appears at a hearing and is found liable or contests the violation by mail and is found liable, the Hearing Officer will enter findings, decision and order, which is a final determination of Automated traffic law violation liability that is a final, appealable order.

I. Notice of Final Determination: A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The Notice of Final Determination shall include the following information:

1. A statement that the unpaid fine is a debt due and owing to the Village; and
2. A warning that a failure to pay any fine due and owing to the Village within 14 days may result in a petition to the Circuit Court of McHenry County to have the unpaid fine rendered as a judgment or may result in the suspension of the person's drivers license for failure to pay fines or penalties for five or more violation under this Section.

J. Petitions to Set Aside Determination: A Petition to Set Aside Determination of an Automated Traffic Law Violation must be filed with or mailed to the Traffic Control Administrator within 14 days of the date of mailing of the Notice of Determination of Liability. The grounds for the petition are limited to:

1. The person was not the owner or lessee of the cited vehicle on the date of the violation notice was issued;

2. The person having already paid the fine for the violation in question; and
3. Excusable failure to appear at or request a new date for a hearing.

Upon receipt of a timely petition to set aside the determination of liability, the Hearing Officer shall review the petition to determine if cause has been shown to set aside the determination. If cause has been shown, the Village shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The Village shall notify the petitioner of the Hearing Officer's decision to grant a hearing or deny the petition within 14 days of the Village's receipt.

K. Notice of Impending Driver's License Suspension: A Notice of Impending Driver's License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on five or more violations of this Section. The Notice of Impending Driver's License Suspension shall state the following information:

1. The failure to pay the fine owing within 45 days of the notice's date will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 ILCS 5/6-306.5; and
2. A statement that the person may obtain a copy of the original ticket imposing a fine by sending a self-addressed, stamped envelope to the Village along with a request for the copy.

The Notice of Impending Driver's License Suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a U. S. Post Office approved database.

L. Driver's License Suspension: The Traffic Compliance Administrator, by certified report, may request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of five automated traffic violations. The report shall be certified and contain the following:

1. The name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Postal Service approved database if any notice sent under this Section is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;
2. The name of the municipality making the report pursuant to this Section; and

3. A statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Section is returned as undeliverable at the last known address recorded at a United States Postal Service approved database; the date on which such notice was sent; and address to which such notice was sent.

The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within seven days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the five or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report.

M. Penalty: The owner (or lessee) of a motor vehicle is subject to a penalty pursuant to Appendix A of this Code per automated traffic law violation. In the event that such penalty is not paid within 14 days after service of a Notice of Determination of Liability or Findings, Decision and Order, a late payment penalty shall be imposed pursuant to Appendix A of this Code. A penalty shall not apply if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation.

15.09 SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES *2011-12-10; 2014-15-13*

A. Definitions: For the purposes of this Section, and the interpretation and enforcement thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The words shall and will are mandatory and may is permissive. Words not defined shall be given their common and ordinary meaning.

Hearing Officer: A licensed attorney, who is not an officer or employee of the Village, designated by the Administrator.

Owner of Record: The record titleholder to a motor vehicle as registered with the Illinois Secretary of State or any other applicable governmental agency.

B. Public Nuisance Declared: A motor vehicle, operated with the permission, express or implied, of the owner of record, shall be declared a public nuisance and shall be subject to seizure and impoundment pursuant to 625 ILCS 5/11-1302, as amended from time to time, and any other applicable state law where such motor vehicle is used in the commission of any of the violations set forth in this Section or when the commission of any of the violations set forth in this Section 15.09 makes impoundment of the motor vehicle reasonably necessary as a community caretaking function so that the motor vehicle does not jeopardize public safety and the efficient movement of vehicular traffic. The owner of record shall be assessed, pursuant to 625 ILCS 5/11-208.7, an administrative penalty in an amount of \$500, in addition to any towing and storage fees as hereinafter provided. It shall not be necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one or more of the following violations has/have been committed:

1. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1 (Criminal Code of 2012); or
2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501; or
3. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Cannabis Control Act; or
4. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
5. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/24-1, 24-1.5, or 24-3.1 (Criminal Code of 1961 or Criminal Code of 2012); or
6. Driving while a driver's license, permit or privilege to operate a motor vehicle is suspended or revoked pursuant to 625 ILCS 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
7. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by 720 ILCS 550/1 *et seq.* (Cannabis Control Act) or 720 ILCS 570/100 *et seq.* (Illinois Controlled Substances Act); or
8. Operation or use of a motor vehicle with an expired driver's license, in violation of 625 ILCS 5/6-101, if the period of expiration is greater than one year; or

9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated 625 ILCS 5/6-101, 6-303, or 11-501; or
11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/16-1, *et seq.*, or 720 ILCS 5/16A-1, *et seq.* (now repealed), (Criminal Code of 1961 or the Criminal Code of 2012); or
12. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012, when so provided by local ordinance; or
13. Operation or use of a motor vehicle in violation of 625 ILCS 5/11-503:
 - a. while the vehicle is part of a funeral procession; or
 - b. in a manner that interferes with a funeral procession.

C. Seizure and Impoundment of Motor Vehicles:

1. Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall cause the motor vehicle to be removed or towed to a facility authorized by the Village. When the motor vehicle is removed or towed, the police officer shall notify any person identifying himself or herself as the owner of record of the motor vehicle or any person who is found to be in control of the motor vehicle at the time of the alleged violation(s), if there is such a person, of the fact of the seizure and of the motor vehicle owner of record's right to request a preliminary hearing as provided in this Section. Said motor vehicle shall be impounded pending the completion of the hearings provided for in this Section, unless the owner of record of the motor vehicle posts with the Village a cash bond as set forth in Section 15.09-D.
2. A police officer who has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Section shall first ascertain whether the seizure and impoundment is necessary and reasonable under the circumstances. If in the judgment of the police officer then present, a person authorized by the owner of record or the operator of the motor vehicle is present and capable to provide for the

lawful immediate removal of the motor vehicle, and said motor vehicle is not required to be held as evidence in regard to the violation, the police officer shall allow that individual to promptly remove the motor vehicle without it being subject to seizure and impoundment if seizure and impoundment of the motor vehicle is discretionary pursuant to Section 15.09-B10 or seizure and impoundment of the motor vehicle is contemplated pursuant to Section 15.09-B.

D. Posting a Bond: If a bond in the amount of \$500.00 is posted with the Village, the impounded motor vehicle shall be released to the owner of record, upon the payment by the owner of record of the towing and storage costs to the applicable towing company. If an administrative fee is imposed pursuant to Section 15.09-F2, the bond shall be applied to said fee; provided, in the event that a violation of this Section is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this Section shall be held by the Village until a hearing officer issues a decision, or, if there is judicial review pursuant to Section 15.09-J, until a reviewing court issues a final decision.

E. Preliminary Hearing: Where the owner of record of a motor vehicle seized under the provisions of this Section makes a request, in writing and filed with the Police Chief or designee, for a preliminary hearing within 24 hours after the seizure of the motor vehicle, the Police Chief or designee must conduct a preliminary hearing within 24 hours after the request for a preliminary hearing is received by the Village; provided that if the date for the preliminary hearing falls on a Saturday, Sunday or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday. For purposes of this Section 15.09-E, the following shall apply:

1. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing.
2. The formal rules of evidence shall not apply at the preliminary hearing, and hearsay testimony shall be allowed if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
3. If, after the conclusion of the preliminary hearing, the Police Chief or designee determines that there is probable cause to believe that the motor vehicle was used as provided in Section 15.09-B, the Police Chief or designee shall order the continued impoundment of the motor vehicle, unless the owner of record of the motor vehicle posts a cash bond with the Village in the amount of \$500.00, and pays the towing and storage costs to the applicable tow company, as set forth in Section 15.09-D.
4. If the Police Chief or designee determines that there is not probable cause to believe that the motor vehicle was used as provided in Section 15.09-B, the motor vehicle shall be returned to the owner of record of the motor vehicle without any fees or other costs, but the owner of record shall be

responsible to pay any towing or storage charges to the applicable tow company.

F. Plea Hearing/Evidentiary Hearing:

1. Notice of Hearing: Within 10 days after a motor vehicle is impounded pursuant to this Section, the Village shall notify the owner of record of the date, time and location of a plea hearing that shall be conducted, pursuant to this Section 15.09-F. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. Notice by certified mail need not be given when the owner of record of the motor vehicle has been personally served with notice, in written form, of the time, date and location of the plea hearing. The plea hearing shall be conducted by a hearing officer, designated by the Administrator. The owner of record shall appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, or if the owner of record fails to appear, the cause shall be disposed of at that time, with an order/default order in favor of the Village, which order/default order shall require the payment to the Village of the \$500.00 administrative fee and towing and storage costs to the applicable tow company, and the continued impoundment of the motor vehicle until the owner of record pays to the Village the \$500.00 administrative fee and towing and storage costs to the applicable towing company. If the owner of record pleads not guilty, an evidentiary hearing shall be scheduled and held no later than 45 days after the motor vehicle was impounded, unless continued by the hearing officer. All interested persons shall be given a reasonable opportunity to be heard at the evidentiary hearing. At any time prior to the evidentiary hearing date, the hearing officer may, at the request of either the Village or the owner of record, direct witnesses to appear and give testimony at the evidentiary hearing. The formal rules of evidence shall not apply at the evidentiary hearing, and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

2. If, after the evidentiary hearing, the hearing officer determines, by a preponderance of the evidence, that the motor vehicle was used in connection with a violation set forth in Section 15.09-B, the hearing officer shall enter an order finding the owner of record of the motor vehicle civilly liable to the Village for an administrative fee in the amount of \$500.00, and require the motor vehicle to continue to be impounded until the owner of record pays the administrative fee to the Village, plus applicable towing and storage costs to the applicable tow company. If a cash bond has been posted pursuant to Section 15.09-D or Section 15.09-E-3, the bond shall be applied to the administrative fee. If the owner of record fails to appear at the evidentiary hearing, the hearing officer shall enter a default order in favor of the Village, which order shall require the

payment to the Village of the \$500.00 administrative fee and towing and storage costs to the applicable tow company, and the continued impoundment of the motor vehicle until the owner of record pays to the Village the \$500.00 administrative fee and towing and storage costs to the applicable towing company. The \$500.00 administrative fee shall be a debt due to the Village and the Village may seek to obtain a judgment on the debt and enforce such judgment as provided by law. If the hearing officer finds no such violation occurred, the hearing officer shall order the immediate return of the owner of record's motor vehicle without any fee or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.

3. At the evidentiary hearing, the violation citation shall be prima facie evidence that the violation was committed as provided in the citation, and the burden of proof shall be upon the owner of record to prove that the violation was not committed.

G. Disposition of Impounded Motor Vehicles:

1. If the administrative fee and other applicable fees are not paid within 30 days after an administrative fee is imposed against an owner of record who defaults by failing to appear at the hearings provided in Section 15.09-F, or who admits guilt at the plea hearing, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provide by law for the disposition of unclaimed motor vehicles pursuant to 625 ILCS 5/1-100, *et seq.* as amended. In all other cases, if the administrative fee and applicable towing and storage costs to the applicable tow company are not paid within 30 days after the expiration of time by which administrative review of the hearing officer's determination may be sought pursuant to Section 15.09-J, or within 30 days after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the motor vehicle shall be deemed unclaimed and shall be disposed of in the manner provide by law for the disposition of unclaimed motor vehicles pursuant to 625 ILCS 5/1-100, *et seq.*, as amended.
2. Except as otherwise specifically provided by law, no owner of record, lien holder or other person shall be legally entitled to take possession of a motor vehicle impounded under this Section until the administrative fee and towing and storage costs to the applicable tow company imposed pursuant to this Section have been paid. However, whenever a person with a lien of record against an impounded motor vehicle has commenced foreclosure proceedings, possession of the motor vehicle shall be given to that person if he or she agrees in writing to refund to the Village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lien holders of record, not to exceed the administrative fee, plus the applicable towing and storage costs.

3. Costs for towing and storage of a motor vehicle pursuant to this Section shall be those approved by the Police Chief for all tow companies authorized to tow for the Police Department.

H. Applicability of Other Laws: This Section is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that relates to the seizure or impoundment of motor vehicles, and any fee provided for in this Section shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges. This Section shall not apply: (1) if the motor vehicle used in the violation was stolen at the time of the violation and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered; (2) if the motor vehicle is operated as a common carrier as defined by applicable law and the violation occurs without the knowledge of the person in control of the motor vehicle; or (3) if the motor vehicle is subject to successful forfeiture proceedings under 725 ILCS 150/1, *et seq.* as amended (Drug Asset Forfeiture Procedure Act); 720 ILCS 5/36-1, *et seq.* as amended (Seizure and Forfeiture of Vessels, Vehicles and Aircraft); or other state or federal forfeiture laws.

I. General Regulations:

1. This Section shall not replace or otherwise abrogate any existing state or federal laws or Village ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges.
2. This Section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered.
3. Fees for towing and storage of a vehicle under this Section shall be those approved by the Police Chief for all towers authorized to tow for the Police Department.

J. Administrative Review: Any owner of record, lien holder or other person with a legal interest in the motor vehicle, shall have the right to appeal the decision of the hearing officer to the Circuit Court for the 22nd Judicial Circuit, McHenry County, Illinois, pursuant to the Administrative Review Act, 735 ILCS 5/3-101, *et seq.* as amended. Any respondent seeking review of a final decision shall be required to reimburse the Village for the costs of preparing and certifying the record of proceedings. Failure of the respondent to reimburse the Village shall be grounds for the dismissal of a complaint for administrative review pursuant to 735 ILCS 5/3-109. In the event the reviewing court reverses the findings, decision and order of the Administrative Law Judge, the Village will reimburse the respondent for the costs for preparing and certifying the record of proceedings.

K. A finding of “not guilty” following a trial in the 22nd Judicial Circuit Court for the underlying violation wherein the motor vehicle as impounded, shall entitle the owner of record to a full and complete refund of any administrative fee imposed under this Section. However, the

owner of record must request the refund in writing and shall include in the request a certified disposition of “not guilty” following a trial from the Circuit Clerk. An order of dismissal or a negotiated disposition on the underlying charge(s) shall not result in a refund of the administrative fee.

15.10 **WINDOWS AND WINDSHIELDS** 2016-17-07

A. No person shall drive a motor vehicle with any sign, poster, window application, reflective material, nonreflective material or tinted film upon the front windshield, except that a nonreflective tinted film may be used along the uppermost portion of the windshield if such material does not extend more than 6 inches down from the top of the windshield.

1. No window treatment or tinting shall be applied to the windows immediately adjacent to each side of the driver, except:
 - a. On vehicles where none of the windows to the rear of the driver’s seat are treated in a manner that allows less than 30% light transmittance, a nonreflective tinted film that allows at least 50% light transmittance, with a 5% variance observed by any law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.
 - b. On vehicles where none of the windows to the rear of the driver’s seat are treated in a manner that allows less than 35% light transmittance, a nonreflective tinted film that allows at least 35% light transmittance, with a 5% variance observed by any law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.
 - c. On vehicles where a nonreflective smoked or tinted glass that was originally installed by the manufacturer on the windows to the rear of the driver’s seat, a nonreflective tint that allows at least 50% light transmittance, with a 5% variance observed by a law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.
2. No person shall install or repair any material prohibited by Paragraph A of this Section.
 - a. Nothing in this subsection shall prohibit a person from removing or altering any material prohibited by Paragraph A to make a motor vehicle comply with the requirements of this Section.
 - b. Nothing in this subsection shall prohibit a person from installing window treatment for a person with a medical condition described in Paragraph G of this Section. An installer who installs window treatment for a person with a medical condition described in Paragraph G must obtain a copy of

the certified statement or letter written by a physician described in Paragraph G from the person with the medical condition prior to installing the window treatment. The copy of the certified statement or letter must be kept in the installer's permanent records.

B. On motor vehicles where window treatment has not been applied to the windows immediately adjacent to each side of the driver, the use of a perforated window screen or other decorative window application on windows to the rear of the driver's seat shall be allowed. Any motor vehicle with a window to the rear of the driver's seat treated in this manner shall be equipped with a side mirror on each side of the motor vehicle which are in conformance with Section 12-502 of the Illinois Vehicle Code.

C. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield, rear window, side wings or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

D. Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice, moisture or other material on any of the windows or mirrors, which materially obstructs the driver's clear view of the highway.

E. No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the drivers view to the front, side or rear. A vehicle equipped with a side mirror on each side of the vehicle which are in conformance with Section 12-502 of the Illinois Vehicle Code will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured.

F. Paragraphs A, A.1 and B of this Section shall not apply to those motor vehicles properly registered in another jurisdiction.

G. Paragraphs A and A.1 of this Section shall not apply to window treatment, including but not limited to a window application, nonreflective material, or tinted film, applied or affixed to a motor vehicle for which distinctive license plates or license plate stickers have been issued pursuant to subsection (k) of Section 3-412 of this Illinois Vehicle Code, and which:

1. is owned and operated by a person afflicted with or suffering from a medical disease, including but not limited to systemic or discoid lupus erythematosus, disseminated superficial actinic prokeratosis, or albinism, which would require that person to be shielded from the direct rays of the sun; or
2. is used in transporting a person when the person resides at the same address as the registered owner of the vehicle and the person is afflicted with or suffering from a medical disease which would require the person to be shielded from the direct rays of the sun, including but not limited to systemic or discoid lupus erythematosus, disseminated superficial actinic prokeratosis, or albinism.

The owner must obtain a certified statement or letter written by a physician licensed to practice medicine in Illinois that such person owning and operating or being transported in a motor vehicle is afflicted with or suffers from such disease, including but not limited to systemic or discoid lupus erythematosus, disseminated superficial actinic prokeratosis, or albinism. However, no exemption from the requirements of Subsection A.1 shall be granted for any condition, such as light sensitivity, for which protection from the direct rays of the sun can be adequately obtained by the use of sunglasses or other eye protective devices.

Such certification must be carried in the motor vehicle at all times. The certification shall be legible and shall contain the date of issuance, the name, address and signature of the attending physician, and the name, address, and medical condition of the person requiring exemption. The information on the certificate for a window treatment must remain current and shall be renewed every four years by the attending physician. The owner shall also submit a copy of the certification to the Secretary of State. The Secretary of State may forward notice of certification to law enforcement agencies.

Installers shall only install window treatment authorized by this Paragraph G on motor vehicles for which distinctive plates or license plate stickers have been issued pursuant to subsection (k) of Section 3-412 of this Illinois Vehicle Code. The distinctive license plates or plate sticker must be on the motor vehicle at the time of window treatment installation.

H. Paragraph A of this Section shall not apply to motor vehicle stickers or other certificates issued by State or local authorities which are required to be displayed upon motor vehicle windows to evidence compliance with requirements concerning motor vehicles.

I. Any person, firm or corporation violating any portion of this Section shall be fined in accordance with Appendix A for each offense and shall be responsible for the Village's cost of prosecution, including reasonable attorney's fees. Each day that a violation continues shall be considered a separate offense. Nothing in this Section shall be construed to prevent or preclude the Village from pursuing any remedy that it may have at law or in equity to enforce the provisions of this Section or to suspend or revoke a permit.

J. Nothing in this Section shall create a cause of action on behalf of a buyer against a vehicle dealer or manufacturer who sells a motor vehicle with a window which is in violation of this Section.

K. Notwithstanding any provision to the contrary, this Section 15.10 shall not apply to any vehicle utilized by the Village of Bull Valley Police Department.