

4-O-12

AN ORDINANCE

Amending Portions of Title 10, Chapter 12, Section 2, "Violation of the Illinois Vehicle Code," Relating to Seat Belt Use

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/11-208.3, authorizes municipal administrative adjudication of vehicle compliance violations, defined as the violation of a regulation governing the condition or use of equipment on a vehicle; and

WHEREAS, seat safety belts are part of the equipment on a motor vehicle pursuant to 625 ILCS 6/12-101 et seq.; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/12-603.1, governs the use of seat safety belts by requiring each driver and passenger of a motor vehicle to wear a properly adjusted and fastened seat safety belt with limited exceptions; and

WHEREAS, Title 10, Chapter 12, Section 2, of the Evanston City Code of 1979, as amended ("City Code"), ~~adopts certain provisions of the Illinois Vehicle Code~~ regarding the condition or use of equipment on a vehicle; and

WHEREAS, the violation of any provision in Title 10, Chapter 12, Section 2, of the City Code constitutes a vehicle compliance violation; and

WHEREAS, the City of Evanston now adopts 625 ILCS 5/12-603.1 of the Illinois Vehicle Code pertaining to the use of seat safety belts,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Section 10-12-2, "Violation of the Illinois Vehicle Code" of the City Code is hereby further amended to read as follows:

10-12-2: - VIOLATION OF THE ILLINOIS VEHICLE CODE:

It shall be unlawful for any person to violate the following sections of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.:

| Section | Description |
|---------------------|--|
| 5/3-401 | No valid registration |
| 5/3-413(a) | No front/rear license plate |
| 5/3-413(b) | Improper display license plates/sticker and tinted/obstructed covers |
| 5/3-413(f) | Display of expired registration |
| 5/3-701 | Operation of vehicles without evidence of registration |
| 5/3-702 | Operation of vehicle when registration is revoked, canceled or suspended |
| 5/11-1404 | Special equipment for persons riding motorcycles |
| 5/11-1405 | Required equipment on motorcycles |
| 5/11-1406 | Obstruction of driver's view of driving mechanism |
| 5/11-1407 | Opening and closing vehicle doors |
| 5/12-101 | Operating a motor vehicle which is in an unsafe condition or improperly equipped |
| 5/12-201 | When lighted lamps are required |
| 5/12-202 | Clearance, identification and side marker lamps |
| 5/12-204 | Lamp or flag on projecting load |
| 5/12-205 | Lamps on other vehicles and equipment |
| 5/12-208 | Signal lamps and signal devices |
| 5/12-210 | Use of headlamps |
| 5/12-211 | Number of driving lamps required or permitted |
| 5/12-301 | Brakes |
| 5/12-401 | Restrictions as to tire equipment |
| 5/12-405 | Operating condition of pneumatic tires |
| 5/12-502 | Mirrors required |
| 5/12-503 | Windshields must be unobstructed and equipped with wipers |
| 5/12-601 | Horns and warning devices |
| 5/12-602 | Prevention of noise with mufflers |
| 5/12-603 | Seat safety belts |
| 5/12-603.1 | Driver and passenger required to use safety belts |
| 5/12-604.1 | Television receivers visible to driver prohibited |
| 5/12-607 | Modification of vehicle suspension system restricted |
| 5/12-608 | Required bumpers |
| 5/12-610 | Use of headset receivers by driver restricted |
| 5/12-610.5 | Tinted registration plate covers |
| 5/12-611 | Sound amplification systems |
| 25/4 and 25/4(a) | Child passenger protection act |

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by

the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance 4-O-12 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 5: If any provision of this Ordinance 4-O-12 or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 4-O-12 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance 4-O-12 is severable.

Introduced: January 9, 2012

Approved:

Adopted: January 23, 2012

January 25, 2012

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

