
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 22-19

**AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE
VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES**

Passed by the Board of Trustees, December 8, 2022

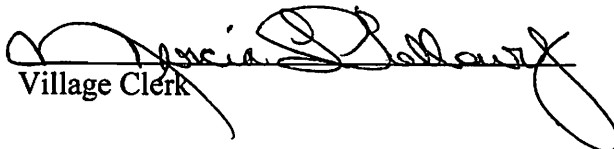
Printed and Published December 8, in Pamphlet Form
By Authority of the Village Board of Trustees

**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

**ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, VILLAGE CLERK**

**GENE BRUTTO
ANNETTE BRZEZNIAK-VOLPE
ANNA BRZozowski-WEGRECKI
ZBIGNIEW LEWANDOWSKI
LAWRENCE STEINER
GIUSEPPE "JOE" ZERILLO**

I hereby certify that this document was
properly published in pamphlet form
by authority of the Board of Trustees
on the date stated above.


Village Clerk

**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 22-19

**AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE
VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES**

WHEREAS, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

WHEREAS, the Village is authorized to regulate traffic upon Village streets and municipal property (65 ILCS 5/11-1-1; 65 ILCS 5/11-80-20; 625 ILCS 5/11-207; 625 ILCS 5/11-208(a)(2); (15));

WHEREAS, the Village is further authorized to promulgate and enforce motor vehicle child passenger safety restraint requirements upon Village streets (625 ILCS 5/12-603.1(a); 625 ILCS 25/1 *et seq.*);

WHEREAS, a substantial number of passengers under the age of 8 years riding in motor vehicles annually die or sustain serious physical injury as a direct result of not being placed in an appropriate child passenger restraint system;

WHEREAS, motor vehicle crashes are the leading cause of death for children of every age from 4 to 14 years old;

WHEREAS, the safety of the motoring public is seriously threatened as indicated by the

significant number of traffic accidents annually caused, directly or indirectly, by driver distraction or other impairment of driving ability induced by the movement or actions of unrestrained passengers under the age of 8 years;

WHEREAS, the corporate authorities desire to amend the Village Code of Ordinance to promulgate and enforce motor vehicle child passenger safety restraint requirements upon Village streets to protect the health, safety and welfare of motor vehicle passengers under the age of 8 years and the motoring public through the proper utilization of approved child restraint systems in the Village;

WHEREAS, to protect the public health, safety, and welfare, the Village of Harwood Heights has a clear and compelling interest in exercising its home rule authority as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

SECTION 1. RECITALS. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT. Title 10 ("Vehicles and Traffic"), Chapter 10.56 ("Miscellaneous Rules") of the Village of Harwood Heights Code of Ordinances, shall be, and hereby is amended as follows (additions in **bold and underline**, deletions ~~struck through~~), with those subsections not set forth herein remaining in effect as currently written:

10.56.370 –Child Passenger Safety Restraint Requirements Upon Village Streets.

A. There is adopted by reference that act known as the Child Passenger Protection Act (625 ILCS 25/1 et seq.) as now or hereinafter amended. It is unlawful for any person to

violate any of the provisions of the Child Passenger Protection Act.

B. The terms "highway", "motor vehicle", "owner", "police officer", "recreational vehicle", "roadway" and "street" as used in this Section, unless the context otherwise requires, have the meaning ascribed to them in the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section, "motor vehicle" does not include motorcycles.

C. When any person is transporting a child in the Village under the age of 8 years in a non-commercial motor vehicle of the first division, any truck or truck tractor that is equipped with seat safety belts, any other motor vehicle of the second division with a gross vehicle weight rating of 9,000 pounds or less, or a recreational vehicle on the roadways, streets or highways of the Village, such person shall be responsible for providing for the protection of such child by properly securing him or her in an appropriate child restraint system. The parent or legal guardian of a child under the age of 8 years shall provide a child restraint system to any person who transports his or her child.

When any person is transporting a child in the Village who is under the age of 2 years in a motor vehicle of the first division or motor vehicle of the second division weighing 9,000 pounds or less, he or she shall be responsible for properly securing the child in a rear-facing child restraint system, unless the child weighs 40 or more pounds or is 40 or more inches tall.

For purposes of this Section, "child restraint system" means any device which meets the standards of the United States Department of Transportation designed to restrain, seat or position children, which also includes a booster seat.

A child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt.

D. Every person, when transporting a child 8 years of age or older but under the age of 16, shall be responsible for properly securing that child in seat belts.

E. Every person under the age of 18 years, when transporting a child 8 years of age or older but under the age of 19 years, shall be responsible for securing that child in a properly adjusted and fastened seat safety belt or an appropriate child restraint system. This Section also applies to each driver over the age of 18 years who committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code in the 6 months prior to the driver's 18th birthday and was subsequently convicted of the violation, until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code.

F. Penalties.

1. A first violation of this Section is a petty offense punishable by a fine of \$250.

2. A second or subsequent violation of this Section is a petty offense punishable by a fine of \$500.

G. Arrests – Prosecutions

1. Police officers shall make arrests for violations of this Section occurring upon the highway within the limits of the village.

2. If a violation of this Section occurs within the corporate limits of the Village, the Village attorney may prosecute these violations upon receipt of written permission from the Cook County State’s Attorney’s Office.

3. The provisions of this Section does not apply to a child passenger with a physical disability of such a nature as to prevent appropriate restraint in a seat, provided that the disability is duly certified by a physician who shall state the nature of the disability, as well as the reason the restraint is inappropriate.

SECTION 3. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

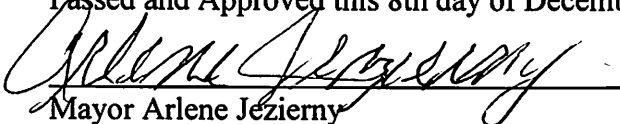
AYES: Trustee Brutto, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

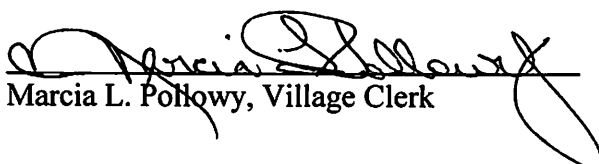
ABSENT:

ABSTAIN:

Passed and Approved this 8th day of December, 2022.


Mayor Arlene Jezierny

ATTEST:


Marcia L. Polkow, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 22-19 entitled:

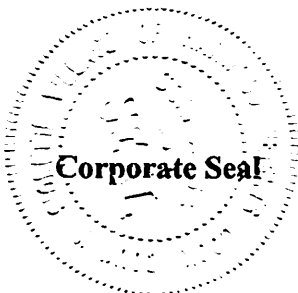
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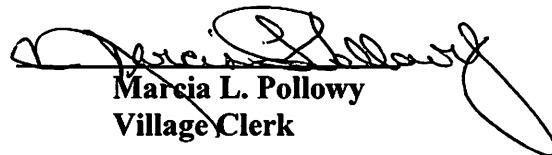
Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 8th day of December, 2022.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 9th day of December, 2022.




Marcia L. Pollowy
Village Clerk

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