

Ordinance No. 101305 B

An Ordinance Prohibiting Through Truck Traffic on Miller Oak Drive within the Jurisdiction of the McHenry Township Road District Highway Commissioner.

WHEREAS, the McHenry Township Road District Highway Commissioner finds that it is in the best interest of the Township to erect traffic control devices and signs to regulate through truck traffic on Miller Oak Drive within the Commissioner's jurisdiction throughout the year; and

WHEREAS, It is the opinion of the McHenry County State's Attorney that an Ordinance relating to the regulation of through truck traffic on said street within said Township through the year be passed, which will be enforced by the McHenry County Sheriff's Department; and

WHEREAS, 625 ILCS 5/15-316c , authorized the Highway Commissioner to restrict the use of highways and to place, erect and maintain traffic control devices such as authorized by the Illinois Highway Code and the Illinois Vehicle Code (625 ILCS 5/1-101 et seq.), subject to the written approval of the County Engineer of Highway; and

WHEREAS, the Illinois Highway Code has established parameters for the erection and maintenance of said traffic control devices;

WHEREAS, the McHenry Township Road District Highway Commissioner finds that through truck traffic may cause serious damage to the surface of Miller Oak Drive;

NOW, THEREFORE, BE IT ORDAINED by the McHenry Township Road District Highway Commissioner, McHenry Township, McHenry County, Illinois as follows:

1.0 Definitions.

1.1 For the purpose of this Ordinance, any references to McHenry Township; McHenry Township Road District or Road District shall refer to the same.

1.2 Offense. Each violation of any section of this Ordinance shall constitute a separate offense. In addition, each day a person violates any section of this Ordinance shall constitute a separate offense.

2.0 Prohibition of Through Truck Traffic. Except as otherwise excepted herein no truck or commercial vehicle in excess of 8,000 pounds shall travel on Miller Oak Drive, that is under the control of McHenry Township Road District or shall utilize this section of Miller oak Drive.

3.0 Exceptions. Exceptions from this restriction of Section 2.0 herein are the following vehicles:

- a. Vehicles traveling to or from a residence or business on this section of Miller Oak Drive.
- b. Vehicles from a licensed refuse collector;
- c. Township vehicles;
- d. All emergency vehicles;
- f. Vehicles owned by any public utility.

4.0 Fine. Any person violating this Ordinance shall be assessed a fine not to exceed Five Hundred Dollars (\$500.00) plus court costs, for each violation of this Ordinance.

5.0 Transmittal to County Highway Engineer. Pursuant to 605 IL CS 5/6-201.16, a certified copy of this Ordinance shall be submitted to the McHenry County Highway Engineer, along with a request for his written approval for the posting of signs prohibiting through truck traffic in accordance with Section 2.0 of this Ordinance.

6.0 Posting of Signs. Upon receipt of written approval in accordance with Section 5.0 above, the Highway Commissioner shall post signs in accordance with this Ordinance and in compliance with the State of Illinois Manual of Uniform Traffic Control Devices for Streets and Highway.

7.0 Transmittal to the County Sheriff and State's Attorney. Upon posting of signs in accordance with Section 6.0 above, a certified copy of this Ordinance shall be forwarded to the McHenry County Sheriff and the McHenry County State's Attorney for enforcement hereof, pursuant to the Illinois Motor Vehicle Code (625 ILCS 5/11-304 and 5/11-305) and the Illinois Highway Code (605 ILCS 5/6-201.16), as amended from time to time.

8.0 Publication. The Highway Commissioner shall prepare a copy of this Ordinance for the purpose of making this Ordinance available in the McHenry Township Road District office for a continuous period of at least ten (10) days after its passage. Copies hereof shall also be available for public inspection upon request in the office of the Township Clerk.

9.0 Savings. If a court of competent jurisdiction shall determine and adjudge that any section or portion thereof of this Ordinance is invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance. The remainder of this Ordinance shall continue in full force and effect.

10.0 Conflicts with Prior Ordinances. All prior Ordinances and parts thereof in conflict with provisions set forth herein and hereby repealed to the extent of such conflict, with this Ordinance prevailing over said prior Ordinances.

11.0 Time to Take Effect. This Ordinance shall be in full force and effect upon the successful passage, approval and publication as provided by law.

APPROVED:

*Leon H. Van Every*

Leon H. Van Every, Highway Commissioner



ATTEST: *Bruce Novak* 10/13/05  
Bruce Novak, McHenry Township Clerk

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

Published: \_\_\_\_\_