

AMENDING CHAPTER 51 "TRAFFIC", SECTION 51.20 "PARADES, PROCESSIONS, RUNS, RIDES, WALKS AND MARCHES", OF THE CITY OF DEKALB, ILLINOIS, MUNICIPAL CODE.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City's corporate authorities find that adopting an amendment to Chapter 51 "Traffic", Section 51.20 "Parades, Processions, Runs, Rides, Walks and Marches" of the City's Municipal Code as set forth in the attached and incorporated Exhibit A (the "Amendment") is in the City's best interests for the protection of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The recitals to this Ordinance are true, material, adopted and incorporated as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities adopt and approve the Amendment Chapter 51 "Traffic", Section 51.20 "Parades, Processions, Runs, Rides, Walks and Marches" of the City's Municipal Code as set forth in the attached and incorporated Exhibit A.

SECTION 3: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 12th day of February 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Walker. Second Reading waived Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Walker.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

CHAPTER 51 TRAFFIC

LATEST REVISION: January 8, 2024 (Ordinance 2024-001)

SECTIONS:

- 51.01 DEFINITIONS.**
- 51.02 CERTAIN PROVISIONS OF STATE ACT REGULATING TRAFFIC ADOPTED.**
- 51.02-5 PENALTIES.**
- 51.02-6 CERTAIN PROVISIONS OF CHAPTER 110A - PRACTICE RULES ADOPTED.**
- 51.03 MOTOR VEHICLES PRODUCING 5-BRAKE HORSEPOWER OR LESS.**
- 51.04 SIGNS AND STREET MARKINGS.**
- 51.05 CARELESS DRIVING.**
- 51.05-1 SQUEALING TIRES PROHIBITED.**
- 51.05-5 SPEED RESTRICTIONS.**
- 51.05-6 SCHOOL SPEED RESTRICTIONS.**
- 51.06 DELETED**
- 51.06-5 RIGHT TURN ON RED PROHIBITED.**
- 51.06-6 TURNING MOVEMENTS PROHIBITED.**
- 51.07 ONE-WAY STREETS.**
- 51.08 THROUGH STREETS AND STOP INTERSECTIONS.**
- 51.09 YIELD INTERSECTIONS.**
- 51.10 LIGHTS ON PARKED VEHICLES.**
- 51.11 PARKING VEHICLES FOR SALE.**
- 51.12 STOPPING FOR LOADING OR UNLOADING ONLY.**
- 51.12-5 STOPPING, STANDING OR PARKING IN ALLEYS.**
- 51.12-6 TRAFFIC REGULATIONS FOR THE CITY'S DOWNTOWN ALLEYWAYS.**
- 51.12-7 BLOCKING DRIVEWAY.**
- 51.13 PARKING PROHIBITED.**
- 51.13-5 PARKING PROHIBITED DURING SNOW REMOVAL; REMOVAL OF VEHICLES.**
- 51.14 LIMITED PARKING.**
- 51.15 TOWING AWAY VEHICLES.**
- 51.16 PARKING TRUCKS.**
- 51.17 MUNICIPAL PARKING LOTS AND PARKING STALLS.**
- 51.17-5 PARKING ON PRIVATE PROPERTY.**
- 51.18 NO PARKING ON PARKWAYS.**
- 51.18-5 RESTRICTED PARKING IN FIRE LANES.**
- 51.19 PENALTIES.**
- 51.20 EVENTS - PARADES, PROCESSIONS, RUNS, RIDES, WALKS AND MARCHES.**
- 51.21 REGULATING AND PROHIBITING PARKING OF MOTOR VEHICLES DURING SNOW ROUTE ACTIVATION; ESTABLISHING SNOW ROUTES; REQUIRING MOVEMENT OF VEHICLES ON ALL CITY STREETS FOLLOWING SNOW ROUTE ACTIVATION.**
- 51.21-5 PROPERTY OWNER RESPONSIBILITY FOR SNOW AND ICE REMOVAL FROM PUBLIC PROPERTY.**
- 51.22 POWER OF CITY TO PROHIBIT PARKING ON A PART OR ALL OF THE STREETS IN THE CITY OF DEKALB DURING A SNOW EMERGENCY FOR THE PURPOSE OF SNOW REMOVAL.**
- 51.22-5 EMERGENCY VEHICLES.**
- 51.23 PROHIBITION OF HORSES IN CERTAIN CONGESTED AREAS.**
- 51.23-5 HORSE DRIVEN RIDES.**
- 51.24 WEIGHT RESTRICTIONS ON CITY STREETS.**
- 51.25 TRUCKS PROHIBITED ON CERTAIN STREETS.**
- 51.26 TRUCK ROUTES.**
- 51.27 PROVIDING FOR WRITTEN PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES.**
- 51.28 ENGINE BRAKING PROHIBITED.**
- 51.29 DRIVER'S LICENSE SUSPENSION.**

- (a) In all such cases, there shall be a rebuttable presumption that the registered owner of the vehicle is the party responsible and liable for the vehicle's parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities.
- (b) For any parking citation issued to the owner of an unoccupied vehicle, the City may accept payment for such citation from any party or person.
- (c) For any parking citation issued to an unoccupied vehicle, the only party that shall be authorized or entitled to contest the parking citation and/or to request an Administrative Hearing on such citation is the registered owner to whom such vehicle is registered.
 - i. In the event that the registered owner contests such a citation on the basis that a driver or person other than the registered owner was operating the vehicle and/or parked the vehicle unlawfully, the registered owner shall nonetheless be liable for the parking, violation of City or State code or ordinance, and resulting fines, penalties and other liabilities unless:
 - A. The registered owner produces a police report and other documentation acceptable to the party reviewing the citation, demonstrating that at the time the citation was issued, the vehicle had been reported stolen; or
 - B. The registered owner produces documentary or testimonial evidence demonstrating that at the time the citation was issued, an individual, discrete, expressly named person identified by the registered owner had actual custody of the vehicle and had personally parked the vehicle and incurred the parking citation.
 - ii. It shall not be a defense to a citation issued to the registered owner of an unoccupied vehicle that such vehicle was leased, rented, loaned or otherwise utilized by a third party, in the absence of proof that the vehicle was under such person's actual direct operation at the time that the citation was issued, as required under this subsection, above.

51.20 PARADES, PROCESSIONS, RUNS, RIDES, WALKS AND MARCHES.

- a) No person, group of persons, firm, partnership, association, corporation, company or organization of any kind shall use the public streets and sidewalks of the City of DeKalb for parades, processions, runs, rides, walks or marches, pedestrian or vehicular, or a combination thereof, in conflict with any of the traffic ordinances, laws or regulations of the City, whereby normal pedestrian or vehicular traffic may be impeded, hindered or obstructed, except upon the submission to the City Manager or designee of a completed permit application supplied by the City of DeKalb as follows:

~~Not~~ less than 48 hours nor more than 30 days before the parade, procession, run, ride, walk, ~~or~~ march, or other similar event.

Not less than 45 days before the parade, procession, run, ride, walk, or march, or other similar event if requesting the closure of Illinois Route 38 (Lincoln Highway) or other state-marked route. ÷

The permit application shall include, at a minimum, the following information:

1. The name, address and telephone number of the person, group of persons, firm, partnership, association, corporation, company or organization planning such a parade, procession, run, ride walk or march, responsible for its conduct.
2. The commencement time of the parade, procession, run, ride, walk or march; the composition of the parade, procession, run, ride, walk or march; the specific route to be traveled; the starting point and their termination point.
3. The approximate number of persons, animals and vehicles expected to participate in such parade, procession, run, ride, walk or march, together with a description of the type of animals and vehicles involved.
4. The ~~person, group of persons, firm, partnership, association, corporation, company or organization planning such a parade, procession, run, ride, walk or march, responsible for its conduct~~ permit applicant shall attach ~~to the permit application~~ a copy of a certificate of insurance for the ~~parade, procession, run, ride, walk or march, which event that~~ names the City of DeKalb as an additional insured. This requirement may be waived in the sole discretion of by the City Manager. on a case by case basis.

~~If the person, group of persons, firm, partnership, association, corporation, company or organization planning such a parade, procession, run, ride, walk or march, responsible for its conduct~~ permit applicant is requesting the closure of Illinois Route 38 or other state-marked route, the applicant shall attach ~~to the permit application~~ a copy of a certificate of insurance for the ~~parade, procession, run, ride, walk or march, which event~~ names the Illinois Department of Transportation as an additional insured.

5. This Section shall not apply to the following:
 - (a) Funeral processions proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment.
 - (b) A governmental agency acting within the scope of its functions.

Upon receipt of a permit application above described, the City Manager or his designated agent shall furnish to the person, group of persons, firm, partnership, association, corporation, company or organization making such notification a written acknowledgment of receipt of said permit application.

In the event the permit application shows that the parade, procession, run, ride, walk or march will unreasonably interfere with the rights of others to use the streets and sidewalks with respect to time, route or composition, the City Manager shall direct that the plan for the parade, procession, run, ride, walk or march shall be appropriately adjusted, with the provision that such change in plan shall be delivered to the person or group notifying the City Manager at least 24 hours prior to the proposed beginning time of the parade, procession, run, ride, walk or march.

In the event that the City Manager receives application for more than one parade, procession, run, ride, walk or march to be held on the same date, the City Manager may route each of the said parades, processions, runs, rides, walks or marches so that they will not conflict with each other. The first application should have priority over the later applications.