

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 28 (TRAFFIC AND MOTOR VEHICLES) OF
THE CODE OF THE CITY OF PEORIA**

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

WHEREAS, the City of Peoria may regulate the roadways within its corporate limits; and

WHEREAS, a primary purpose of public roads and rights-of-way is to enable lawfully permitted vehicles and pedestrians to safely and efficiently move from place to place, facilitate the delivery of goods and services, and provide the general public with convenient access to goods and services; and

WHEREAS, the purpose of this ordinance is to prohibit activities that interfere with the purpose of public roads and rights-of-way, including prohibiting activities which cause distractions to motorists, unsafe pedestrian movement within travel lanes, sudden slowdown of traffic, rapidly changing and dangerous traffic movement, increased vehicular accidents and pedestrian and motorist injuries and fatalities; and

WHEREAS, the City of Peoria has a significant governmental interest in vehicular and pedestrian safety and the free flow of traffic; and

WHEREAS, the prohibitions set forth in this ordinance are the least restrictive means necessary to prevent the aforementioned issues without conflicting with any First Amendment protected activity; and

WHEREAS, the City Council finds and determines that the provisions of this ordinance are in the best interest of the City and will further the interest of the health, safety and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF THE CITY OF PEORIA, that:

Section 1. The foregoing WHEREAS clauses are hereby adopted as legislative findings of the City Council and are confirmed as being true and correct and made a part of this Ordinance upon adoption hereof.

Section 2. Chapter 28 (Traffic and Motor Vehicles), Article IV (Operation of Vehicles) of the Code of the City of Peoria is hereby amended by adding the following underlined words and deleting the stricken words:

Sec. 28-2. - Definitions.

Legally parked means a vehicle that is standing, stopped or parked in an area designated, or legally authorized, for parking.

The traveled portion of a roadway means any portion of a roadway that is normally used by moving motor vehicle traffic that is not a lawful parking area.

Sec. 28-169. Vehicles obstructing traffic.

(a) No vehicle shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to traffic thereon.

(b) It is unlawful for occupant of a motor vehicle to engage in any physical interaction with a pedestrian, including but not limited to the transfer of products, goods or materials, while the motor vehicle is not legally parked and is located on the traveled portion of a roadway.

Section 3. Chapter 28 (Traffic and Motor Vehicles), Article VI (Pedestrian Rights and Duties) of the Code of the City of Peoria is hereby amended by adding the following underlined words:

Sec. 28-246. Occupancy of Median. It is unlawful for any person to top, stand or otherwise occupy or remain in a median on any roadway when that person is not in the process of lawfully crossing the road in accordance with the provisions of this municipal code or traffic laws of the State of Illinois.

(a) Presumption. Stopping, standing, or otherwise occupying a median through three (3) consecutive opportunities to cross in accordance with the provisions of this municipal code or the traffic laws of the State of Illinois is prima facie evidence of a violation of this subsection.

(b) Exemptions. Nothing in this Section shall prohibit the following:

1. Law enforcement, fire, public safety or other government employees or contractors acting within the scope of their lawful authority;

2. A person conducting inspection, construction, maintenance, repair, survey, or other legally authorized services;

3. A person lending aid in an emergency situation;

4. Entering or exiting public transit;

5. Use of public roads or rights-of-way that have been closed to vehicular traffic for a special event as permitted by a governmental entity.

Section 4. Severability. If any provision of this Ordinance 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 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5. Effective Date. That this Ordinance shall be in full force and effect upon its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this
___ day of _____, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

BY:

Chief Deputy City Clerk

EXAMINED AND APPROVED:

Corporation Counsel