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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1366

AN ORDINANCE AMENDING CHAPTER 10.04 OF THE VILLAGE  
OF MELROSE PARK MUNICIPAL CODE REGARDING THE  
OPERATION OF MOTOR VEHICLES, FOR THE VILLAGE OF  
MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK

THIS 22<sup>ND</sup> DAY OF MARCH 2010

RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk

Board Of Trustees

CATHLEEN COSSIDENT ITALIA  
ANTHONY J. PRIGNANO  
ARTURO J. MOTA  
MARY RAMIREZ TACONI  
JAIME ANGUIANO  
ANTHONY N. ABRUZZO

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Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 23<sup>RD</sup> day of MARCH 2010

**ORDINANCE NO. 1366**

**AN ORDINANCE AMENDING CHAPTER 10.04 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING THE OPERATION OF MOTOR VEHICLES, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, to protect its residents and their property, the President and the Village Board (collectively, the “Corporate Authorities”) desire to ensure that motor vehicles traveling on roadways within the Village are operating safely; and

**WHEREAS**, studies indicate that under certain circumstances (such as young drivers using communication devices and all drivers using communication devices in school zones ) the use of wireless communications devices while driving (“Driving While Talking”) elevates the risk of traffic accidents; and

**WHEREAS**, the State of Illinois enacted prohibitions regarding Driving While Talking (the “Prohibitions”); and

**WHEREAS**, the Village desires to amend the Village of Melrose Park Municipal Code (the “Village Code”) to adopt the Prohibitions and classify Driving While Talking as an ordinance violation; and

**WHEREAS**, the Corporate Authorities have determined that it is both advisable and in the best interests of the Village and its residents to amend the Village Code to adopt the Prohibitions as part of the Village Code; and

**WHEREAS**, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 10.04 of the Village Code as set forth herein; and

**WHEREAS**, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Village; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of the Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to amend the Village Code to adopt the Prohibitions to deter individuals from Driving While Talking.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the police powers and authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05 - 09. Reserved.**

**ARTICLE II.  
AMENDMENT TO CHAPTER 10.04**

**Section 10.00 Amendment to Chapter 10.04 of the Village of Melrose Park Municipal Code, "State Vehicle Code Provisions Adopted."**

Chapter 10.04 of the Village Code, titled "State Vehicle Code Provisions Adopted" is hereby amended notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adding Section 10.04.030, which Section shall read as follows:

**"10.04.030 Adoption by Reference: Electronic Communication Devices**

Section 12-610.1 of the Illinois Vehicle Code, titled "Wireless Telephones" (625 ILCS 5/12-610.1), as the same may be amended, is hereby adopted by reference and made a part of this Code as if fully set forth herein. Fines levied pursuant to this Section shall be in a minimum amount of Seventy-Five and 00/100 U.S. Dollars (\$75.00) and in a maximum amount of Seven Hundred Fifty and 00/100 U.S. Dollars (\$750.00).

**Section 10.01 Other Actions Authorized.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without

limitation, the execution and delivery of any and all documentation required to be delivered in connection with this Ordinance.

**Sections 11.00 – 15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof not been included.

**Section 18.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 19.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Prignano, Trustee Mota, Trustee Taconi,  
Trustee Anguiano, Trustee Abruzzo

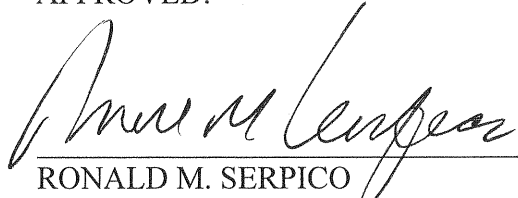
NAY VOTES:

ABSTAIN:

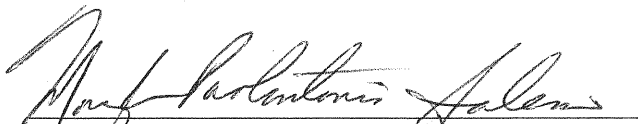
ABSENT: Trustee Italia

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-SECOND DAY OF MARCH, 2010, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 22, 2010  
Published in Pamphlet Form: March 23, 2010