

ORDINANCE NO. 89-4

AN ORDINANCE SETTING THE GENERAL MAXIMUM SPEED LIMIT
WITHIN THE VILLAGE OF CHATHAM

WHEREAS, the primary responsibility to the inhabitants of the Village of Chatham, regarding the streets and thoroughfares of the Village of Chatham, is the safe and efficient passage of traffic;

WHEREAS, State statutes generally regulate the speed of vehicles within the Village, but authorized the Village to adopt and enforce specific speed limits as the safe and orderly passage of traffic requires within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, that:

Section 1. Unless some other speed restriction is established under State law or is posted otherwise in accordance with Village ordinances, the maximum speed limit within the Village of Chatham for all vehicles is 30 miles per hour on public streets and 15 miles per hour in alleys. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed to a speed which is reasonable and prudent, when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway condition; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering

the highway in compliance with legal requirements and the duty of all persons to use due care.

Section 2. The Village of Chatham may, upon the basis of engineering or traffic investigation concerning a particular highway or street location, decrease the limit within the urban district to not less than 20 miles per hour.

Section 3. On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while travelling on any public thoroughfare where children pass going to and from school. A school day, for this purpose, shall be from 7:00 a.m. until 4:00 p.m.

Section 4. Every person convicted of a violation of this Ordinance shall be punished by a fine of not more than \$500.00.

This Ordinance shall be published in the newspaper serving the Village of Chatham within 30 days after its passage, and shall be published in pamphlet form. This Ordinance shall take effect 10 days after its newspaper publication.

PASSED


6

APPROVED

6


PUBLISHED

12/18/89



President, Board of Trustees
Village of Chatham, Illinois

ATTEST:



Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

CERTIFICATE

I, Barbara Bibbhaus, certify that I am the duly elected and acting municipal clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 1-10, 1989, the Corporate Authorities of such municipality passed and approved Ordinance No. 89-4, entitled An Ordinance Setting the General Maximum Speed Limit Within the Village of Chatham, which provided by its terms that it should be published in accordance with the Illinois Municipal Code.

The pamphlet form of Ordinance No. 89-4, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on 1-10-89, 1989, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Chatham, Illinois, this 10th day of January, 1989.

(SEAL)

Barbara Bibbhaus
Municipal Clerk

TO: Village Board Trustees

FROM: MaYOR OBLINGER Co

SUBJECT: ORDINANCE 89-4

DATE: June 13, 1989

The Ordinance requiring specified Village Trustee attendance at Board meetings no longer applies per the Village Attorney's opinion, dated June 7, 1989 and entered with the Village Clerk, June 13, 1989.

SIMHAUSER LAW OFFICE

1020 So. Fifth Street, Suite A
Springfield, IL 62703
(217) 522-7800

June 7, 1989

Mr. Carl Oblinger
President, Village of Chatham
19 Buckingham
Chatham, IL 62629

Re: Ordinance adjusting salaries of
elected officials

Dear Carl:

I have been asked to render an opinion on the validity of an ordinance, which bears the number 89-4, is titled "An Ordinance Adjusting the Salaries of Elected Officers of the Village of Chatham," and is dated October ____, 1987. I believe that ordinance to be invalid, for there seems to be no record of its adoption.

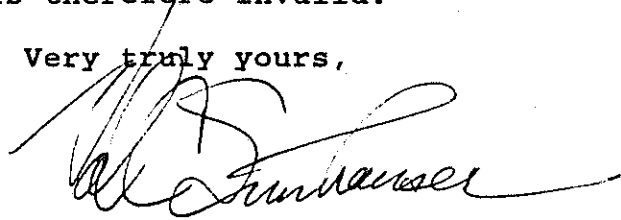
Specifically, I asked the village clerk to review the official minutes, and find any reference to Ordinance 89-4. The only reference to an Ordinance 89-4 appears in the minutes to the regular meeting of January 10, 1989. Those minutes disclose that Ordinance 89-4, "An Ordinance in Regards to Maximum Speed Limits," was adopted by a 6-0 roll call vote. Aside from showing the importance of identifying ordinances by both number and title, those minutes indicate that an ordinance numbered 89-4 and relating to salaries was not adopted at that meeting.

Furthermore, there are other factors that lend credence to the notion that this salary ordinance has never been adopted. There is an obvious discrepancy between the typed date, October ____, 1987, and the ordinance number. Chatham's convention is to use the last two digits of the year to show the year of adoption of an ordinance. Thus the typed dated cannot be reconciled with the ordinance number. Upon inspection of the original ordinance, I see only the original signature of your

Mr. Carl Oblinger
President, Village of Chatham
June 7, 1989
Page Two

predecessor. Neither the clerk's signature nor the Village's seal appear on the original. Thus, I conclude that this ordinance was never adopted, and is therefore invalid.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Val C. Simhauser". The signature is written in dark ink and is positioned above the typed name.

Val C. Simhauser

VCS:att