Chapter 70 - TRAFFIC AND VEHICLES

ARTICLE I IN GENERAL

Sec. 70-1 Ratification of Existing Traffic Control Signs, Signals, Markings
All traffic control signs, signals, devices and markings which are in place on the adoption of this Code are hereby ratified and confirmed.

(Code 1979, § 14-1)

State Law reference — Powers of local authorities generally, 625 ILCS 5/11-208; power of County Board to restrict use of highways due to climatic conditions, 625 ILCS 5/15-316(a); signs required, 625 ILCS 5/15-316(b).

Sec. 70-2 Permits for Overwidth, Overlength and Overweight Vehicles
A. The state has set maximum legal height, width, and weight limitations on all classes of highways in the state as published in the Illinois Vehicle Code 625 ILCS Chapter 15.

B. The County highways are classified as class II, III and local road and streets and so designated and are under the jurisdiction and authority of the County Board.

C. The Illinois Vehicle Code 625 ILCS Section 5/11-208 authorizes the County Board to enact restrictions as to the use of their highways concerning size, weight, and local regulations. As such vehicles weighing over 54,000 pounds gross weight, are prohibited from using the following roads when appropriate signage is posted at both ends of the following roads:

1. Perry Road from Shabbona Road to South First Street
2. Suydam Road from 701 feet west of Rollo Road proceeding on to West Suydam Road to South County Line.

Such prohibition does not extend to police, fire or other emergency vehicles or school buses or those vehicles which are making service calls, pickups or deliveries to residences, farms and construction sites on or adjacent to the roadways.

D. Article III, section 5/15-301 of the Illinois Vehicle Code grants the discretion and authority to the County Board to issue special permits, upon application and good cause being shown therefore, authorizing the operation or movement of a vehicle or a combination of vehicles or a size (height or width) or weight of a vehicle or nondivisible loads exceeding the maximum specified in the applicable provisions of the Illinois Vehicle Code and Subsection C above upon highways under the jurisdiction and authority of the County Board.

E. The County Board has determined that it is necessary and proper to charge a fee to compensate for the cost of maintaining and administering a special permit system to include the cost of the extra wear and tear on the mileage of highways over which the nondivisible load is to be moved, for overwidth, overlength and overweight vehicles using the County roadway system.

F. That the County Board by separate resolution hereby establishes a fee schedule for the issuance of each permit to legally operate or move a vehicle over or across any highway on the County roadway system, of a size (height or width) or weight of vehicle or nondivisible load that exceeds maximum size (height or width) or weight specified in the Illinois Vehicle Code for designated County roads.

G. The County Board authorizes and directs the County Engineer to issue appropriate overweight (for nondivisible loads only), overheight, or overwidth vehicle load permits upon good cause being shown in the application and payment of the appropriate fee.
H. Application for a permit can be made by fax, phone, or in person to the County Highway Department using the County permit application. Permits can be issued by fax or in person and billing and payment will be accomplished every 30 days on a monthly basis.

I. All permits issued to such vehicles shall be kept on the vehicle whenever such vehicle is operated on the roadways. In issuing such permits the County Engineer shall be permitted to direct and prescribe the route over such roadways upon which any such vehicle shall be permitted to travel.

J. An appeal to the County Board's Highway Committee may be made by any person aggrieved by a decision of the County Engineer under this section in accordance with the Illinois Compiled Statutes and the following:

1. An application for an appeal shall be filed with the County Clerk within 20 days of the date of the action from which the appeal is being filed, thereafter the County Clerk shall forward to the County Engineer a notice of appeal specifying the grounds thereof, and he shall forthwith transmit to the Committee all the papers constituting the record upon which the action appealed from was taken.

2. The Committee shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Committee by a majority vote of those present may affirm or may reverse wholly or partly, or may modify the decision, and to that end shall have all the powers of the office from whom the appeal was taken.

K. The County Engineer shall cause appropriate signs identifying the prohibition to be installed on County roads listed in Subsection C.

L. As used in this section, the term "adjacent to" shall mean a property either directly abutting a County road listed in Subsection C, or a property abutting a side road when the most direct access to the said property is from a so listed roadway.

Sec. 70-3 Speed Zones

In accordance with Chapter 625, ILCS 5/11-601(c), whereby the legal speed limit in urban districts shall be 30 miles per hour, the following speed zones are established:

<table>
<thead>
<tr>
<th>Road Zoned</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brickville Road</td>
<td>City limits</td>
<td>Briar Lane</td>
</tr>
<tr>
<td>Cambridge Road</td>
<td>Hollie Lane</td>
<td>Hillcrest Road</td>
</tr>
<tr>
<td>Carol Wood Drive</td>
<td>Royal Oak Rd.</td>
<td>Its southern terminus</td>
</tr>
<tr>
<td>Clare Road</td>
<td>635′ N of C&amp;GW RR</td>
<td>300′ S of C&amp;GW RR</td>
</tr>
<tr>
<td>E. Co. Line Road</td>
<td>958′ N of C&amp;NW RR</td>
<td>C&amp;NW Railroad</td>
</tr>
<tr>
<td>E. Co. Line Road</td>
<td>City limits of Maple Park Road</td>
<td>1030′ south of U.P. RR</td>
</tr>
<tr>
<td>Ellwood Greens Road</td>
<td>Madison Street</td>
<td>Oakview Lane</td>
</tr>
<tr>
<td>Ellwood Greens Road</td>
<td>Oakview Lane</td>
<td>Royal Oak Road</td>
</tr>
<tr>
<td>Eychaner Road</td>
<td>Esmond Road</td>
<td>1056 feet east</td>
</tr>
<tr>
<td>Four Queens Court</td>
<td>In its entirety</td>
<td></td>
</tr>
<tr>
<td>Heath Road</td>
<td>Glidden Road</td>
<td>Hollie Road</td>
</tr>
<tr>
<td>Hillcrest Road</td>
<td>Cambridge Road</td>
<td>Lettow Road</td>
</tr>
</tbody>
</table>
Sec. 70-4 Altered Speed Zones

In accordance with 625 ILCS 5/11-604, whereby local authorities may alter speed limits with Illinois Department of Transportation approval, the following altered speed zones are established:

<table>
<thead>
<tr>
<th>Road</th>
<th>From</th>
<th>To</th>
<th>Speed Limit (mph)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Road</td>
<td>Sycamore City Limits</td>
<td>Quigley Road</td>
<td>45</td>
</tr>
<tr>
<td>Barber Greene Road</td>
<td>Illinois Route 23</td>
<td>1700’ E of Route 23</td>
<td>35</td>
</tr>
<tr>
<td>Barber Greene Road</td>
<td>1700’ E of Route 23</td>
<td>1000’ E of Peace Road</td>
<td>45</td>
</tr>
<tr>
<td>Bethany Road</td>
<td>Kishwaukee River easterly</td>
<td>DeKalb city limits</td>
<td>50</td>
</tr>
<tr>
<td>Coltonville Road</td>
<td>1300’ W of West Stonehenge Drive</td>
<td>W. Stonehenge Drive</td>
<td>45</td>
</tr>
<tr>
<td>Coltonville Road</td>
<td>North First St.</td>
<td>Kishwaukee River Bridge</td>
<td>45</td>
</tr>
<tr>
<td>Dresser Road</td>
<td>Wildflower Lane</td>
<td>Glidden Road</td>
<td>50</td>
</tr>
<tr>
<td>Duffy Road</td>
<td>Somonauk Road</td>
<td>3,000’ W</td>
<td>35</td>
</tr>
<tr>
<td>East County Line</td>
<td>Illinois State Route 38</td>
<td>500 feet north of Ashton Street</td>
<td>45</td>
</tr>
<tr>
<td>East County Line</td>
<td>500 feet north of Ashton Street</td>
<td>Washington Street</td>
<td>35</td>
</tr>
<tr>
<td>North First Street</td>
<td>800’ N of Coltonville</td>
<td>3670’ S of Bethany</td>
<td>45</td>
</tr>
<tr>
<td>Street Name</td>
<td>Description</td>
<td>Distance</td>
<td>Speed Limit</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>North First Street</td>
<td>Dresser Rd.</td>
<td>2300' N</td>
<td>45</td>
</tr>
<tr>
<td>Five Points Road</td>
<td>Illinois Route 72</td>
<td>North for a distance of 1,865'</td>
<td>40</td>
</tr>
<tr>
<td>Genoa Road</td>
<td>Genoa city limit</td>
<td>400 ' NW</td>
<td>35</td>
</tr>
<tr>
<td>Genoa Road</td>
<td>400 ' NW of Genoa city limit</td>
<td>3,000 ' NW</td>
<td>45</td>
</tr>
<tr>
<td>Glidden Road</td>
<td>South Malta Road (Taylor Street)</td>
<td>One-quarter mile south</td>
<td>45</td>
</tr>
<tr>
<td>Gurler Road</td>
<td>South First Street</td>
<td>DeKalb city limits</td>
<td>50</td>
</tr>
<tr>
<td>Gurler Road</td>
<td>Illinois Route 23</td>
<td>DeKalb city limits</td>
<td>45</td>
</tr>
<tr>
<td>Lloyd Road</td>
<td>Brickville Road</td>
<td>Route 23</td>
<td>35</td>
</tr>
<tr>
<td>Peace Road</td>
<td>Illinois Route 64</td>
<td>Illinois Route 23 South</td>
<td>50</td>
</tr>
<tr>
<td>Peace Road</td>
<td>Illinois Route 23</td>
<td>500 feet south of Foxbend Drive</td>
<td>45</td>
</tr>
<tr>
<td>Peace Road</td>
<td>Pleasant Street</td>
<td>Challenger Drive</td>
<td>45</td>
</tr>
<tr>
<td>Pearl Street</td>
<td>Franklin Township limits, north of the south branch of the Kishwaukee River</td>
<td>1,915 feet north of township limits</td>
<td>35</td>
</tr>
<tr>
<td>Pioneer Terrace</td>
<td>Virginia Road</td>
<td>West to end of roadway</td>
<td>25</td>
</tr>
<tr>
<td>Plank Road</td>
<td>1,225 feet east of Luther Lowell Lane</td>
<td>320 feet southwest of North Grove Road</td>
<td>40</td>
</tr>
<tr>
<td>Pleasant Street</td>
<td>County Farm Road</td>
<td>One-half mile south</td>
<td>50</td>
</tr>
<tr>
<td>Rich Road</td>
<td>1500' west of North First Street</td>
<td>North First Street</td>
<td>45</td>
</tr>
<tr>
<td>Somonauk Road</td>
<td>Bethany Road</td>
<td>1800' South</td>
<td>45</td>
</tr>
<tr>
<td>Somonauk Road</td>
<td>Carol Avenue</td>
<td>Pleasant Street</td>
<td>45</td>
</tr>
<tr>
<td>Somonauk Road</td>
<td>Illinois Route 30</td>
<td>1965' north of IL Rt. 30</td>
<td>40</td>
</tr>
<tr>
<td>Suydam Road</td>
<td>Sandwich city limits</td>
<td>700' W of Gletty</td>
<td>40</td>
</tr>
<tr>
<td>Suydam Road</td>
<td>700' W of Gletty</td>
<td>2500' W of Gletty</td>
<td>45</td>
</tr>
<tr>
<td>Suydam Road</td>
<td>2500' W of Gletty</td>
<td>1600' W of Somonauk Creek</td>
<td>50</td>
</tr>
<tr>
<td>Twombly Road</td>
<td>Glidden Road</td>
<td>DeKalb city limits</td>
<td>45</td>
</tr>
<tr>
<td>Virginia Road</td>
<td>IL Route 38</td>
<td>North to end of roadway</td>
<td>25</td>
</tr>
<tr>
<td>Five Points</td>
<td>320 feet north of IL Route 72</td>
<td>1,360 feet north</td>
<td>20</td>
</tr>
<tr>
<td>New Lebanon</td>
<td>60 feet north of 1st Street</td>
<td>2,100 feet south</td>
<td>30</td>
</tr>
<tr>
<td>Brown Street</td>
<td>West Street</td>
<td>In its entirety</td>
<td>25</td>
</tr>
<tr>
<td>Keith Street</td>
<td>West Street</td>
<td>White Street</td>
<td>25</td>
</tr>
<tr>
<td>Koch Street</td>
<td>Main Street</td>
<td>White Street</td>
<td>25</td>
</tr>
<tr>
<td>Main Street</td>
<td>IL Route 72</td>
<td>South Street</td>
<td>25</td>
</tr>
<tr>
<td>South Street</td>
<td>West Street</td>
<td>White Street</td>
<td>25</td>
</tr>
<tr>
<td>West Street</td>
<td>IL Route 72</td>
<td>South Street</td>
<td>25</td>
</tr>
<tr>
<td>White Street</td>
<td>IL Route 72</td>
<td>South Street</td>
<td>25</td>
</tr>
<tr>
<td>Elva</td>
<td>590 feet east of Waterman Road</td>
<td>West for 2,160 feet</td>
<td>35</td>
</tr>
<tr>
<td>McGirr</td>
<td>530 feet east of Leland Road</td>
<td>West for 1,320 feet</td>
<td>35</td>
</tr>
</tbody>
</table>
### Chapter 70 – Traffic and Vehicles

#### Sec. 70-5 Weight Limits Restrictions on County Highways

A. Upon recommendation from the County Engineer that such postings are required to prevent unreasonable damage or extraordinary County maintenance expenses as a result of the state passage of 80,000 pound weight limits on all roads and highways unless otherwise posted, vehicles weighing over 73,280 pounds gross weight and axles over 18,000 pounds are prohibited from using the following roads:

1. North State Road from McHenry County Line to Genoa City Limits.
2. Five Points Road from Cherry Valley Road to Illinois Route 72.
3. Kirkland Road from Boone County Line to Illinois Route 72.
4. Malta Road from Illinois Route 72 to Illinois Route 64.
5. Old State Road from Malta Road (south) to Esmond Road.
6. Old State Road from Malta Road (north) to Illinois Route 64.
7. Plank Road from Illinois Route 23 to Kane County Line.
8. North First Street from Rich/Coltonville Road to Old State Road.
9. Rich Road from Glidden Road to North First Street.
10. Coltonville Road from North First Street to Stonehenge Drive.
11. South First Street from Perry Road to DeKalb City Limits.

<table>
<thead>
<tr>
<th>Location</th>
<th>Alternate Locations</th>
<th>Miles</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dovetail Point West Motel Road</td>
<td>West/Northwest/West for 1,460 feet</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>W. Forestview Drive West Motel Road</td>
<td>West/Northwest/North to Dovetail Point</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Gurler Road South First Street</td>
<td>West for 2,900 feet</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Gurler Road South First Street</td>
<td>East to DeKalb City Limits</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Rowantree Road Florence Drive</td>
<td>West 350 feet</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Florence Drive Rowantree Road</td>
<td>Nichols Drive</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Nichols Drive Florence Drive</td>
<td>West 350 feet</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>East Sandwich Road 1,715 Feet Northwest of Bastian Road</td>
<td>South-Southwest for 3,725 Feet</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Esmond Road 630 Feet North of Main Street</td>
<td>South for 1,980 Feet</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Plank Road 1,700 Feet Southwest of Moose Range Road</td>
<td>500 feet North and East of Moose Range Road</td>
<td>45</td>
<td></td>
</tr>
</tbody>
</table>

12. Perry Road from West County Line Road to East County Line Road.
13. Chicago Road from Lee County Line to Shabbona Road intersection.
14. Chicago Road from Shabbona Road to Somonauk Road.
15. Rollo Road from Chicago Road to Suydam Road.
16. Suydam Road from Rollo Road to Gletty Road.
17. Leland Road from Suydam Road to LaSalle County Line.
18. Shabbona Road from Chicago Road to US Route 30.
19. Shabbona Road from 1308 feet north of US Route 30 to Second Street in Malta.
20. Second Street in Malta from Illinois Route 38 to Shabbona Road.
21. Esmond Road from Old State Road to Lindenwood Road.
22. Lindenwood Road from Esmond Road to Ogle County Line.
23. Stone Quarry Road from Cherry Valley Road to Boone County Line.
24. Somonauk Road from 5395 feet south of Illinois Route 38 to Perry Road.
25. Somonauk Road from Perry Road to Precision Road.
26. East County Line Road from Illinois Route 64 to Village Limits of Maple Park.
27. Lee Road from West County Line Road to Shabbona Road.
28. Waterman Road from Perry Road to Duffy Road.
29. Peace Road from Illinois Route 23/Plank Road to Illinois Route 64.
30. Somonauk Road from North Avenue and extending to Bethany Road for 3.03 miles.

B. The County Engineer shall cause appropriate signs identifying the prohibition to be installed at the entrances of all restricted roads as identified in Subsection A.


Sec. 70-6 Parking on County Roadway or Right-of-Way
A. It shall be unlawful for any person to park or leave standing unattended any vehicle, in or upon any County roadway or right-of-way.
B. The County Engineer is authorized to post signs prohibiting, limiting or restricting the stopping, standing or parking of vehicles on roadways under the County’s jurisdiction.
C. A copy of this section shall be maintained within the office of the County Engineer for inspection by interested persons.
D. Every person who violates any provision of this section shall, for a first or second offense be guilty of a petty offense and for a third or subsequent violation within one year after first violation, such person shall be guilty of a Class C misdemeanor.


Secs. 70-7—70-25 Reserved
ARTICLE II  WEIGHT OF VEHICLES

Sec. 70-26   Definition
For the purpose of this article, "axle" is defined as all axles excepting the front axle.


Sec. 70-27   Maximum Gross Weight on Roads or Highways; Exceptions
No person, firm, or corporation shall operate any motor vehicle, farm machinery or implement, or other object or contrivance with a maximum gross weight per axle of more than 8,000 pounds for single tires, 11,000 pounds for dual tires with a maximum gross weight of 33,000 pounds, upon any of the following described roads or highways for a total period not to exceed 90 days in any one calendar year.

Stone Quarry Road from Cherry Valley Road to Boone County Line
Cherry Valley Road from Boone County Line to Genoa Road
Kirkland Road from Boone County Line to IL Route 72
Genoa Road from Boone County Line to Genoa City Limits
North State Road from McHenry County Line to approximately 650 feet north of Second Street at Genoa
Kingston Road from Boone County Line to Cherry Valley Road
Malta Road from IL Route 72 to IL Route 38
Glidden Road from Cherry Valley Road to Dresser Road
Plank Road from IL Route 23 to Kane County Line
Esmond Road from Lindenwood Road to Old State Road
Old State Road from Esmond Road to IL Route 64
North First Street Road from Old State Road to Coltonville Road
Rich Road from Glidden Road to North First Street
Coltonville Road from North First Street to Stonehedge Drive
Barber Greene Road from IL Route 23 to Somonauk Road
East County Line Road from IL Route 64 to IL Route 38
Somonauk Road from IL Route 38 to IL Route 34
Somonauk Road from Bethany Road to North Street in the Town of Cortland
Shabbona Road from South Malta Road to Chicago Road
Perry Road from Lee County Line to Kane County Line
Waterman Road from Perry Road to Duffy Road
Lee Road from Lee County Line to Shabbona Road
Chicago Road from Lee County Line to Somonauk Road
Rollo Road from Chicago Road to Suydam Road
West County Line Road from Lee Road to IL Route 30
Suydam Road from LaSalle County Line to Gletty Road
South County Line from ¾ of a mile west of Main Street to Main Street
Five Points Road from Cherry Valley Road to IL Route 72
Lindenwood Road from Esmond Road to Ogle County Line
Second Street in the Village of Malta from IL Route 38 to South Malta Road
Leland Road from Suydam Road to LaSalle County Line
Peace Road from Pleasant Street to IL Route 23/Plank Road
Provided that such prohibition shall not extend to farm tractors, fire, police or other emergency vehicles, or school buses.


Sec. 70-28 Signs
The County Engineer shall install appropriate signs in the above provided prohibited areas.


Sec. 70-29 Copy of Ordinance
The County Engineer shall maintain a copy of this article in his office for inspection by interested persons, firms or corporations.


Sec. 70-30 Violation; Penalty
Every person convicted of a violation of any provision of this article for which another penalty is not provided shall for a first or second conviction thereof be guilty of a petty offense and for a third or subsequent conviction within one year after first conviction, such person shall be guilty of a Class C misdemeanor.

ARTICLE III SKATEBOARDS AND ROLLERSKATES

Sec. 70-31 Skateboarding, Rollerskating, Roller Blades and Similar Activities Prohibited on County-Owned Properties

It shall be unlawful and subject to punishment in accordance with Section 70-33 of this chapter for any person utilizing or riding upon any skateboard, rollerskates, roller blades or any similar device to ride or move about on public property owned by the County located within the City of Sycamore. These properties include the County Courthouse, the County Public Safety Building, and the County Administration Building.

(Ord. No. 1997-17, § 2, 9-17-1997)

Sec. 70-32 Definitions

A. Rollerskates and roller blades shall mean any footwear or device which may be attached to the foot to which wheels are attached, including wheels that are “in line” and where such wheels may be used to aid the wearer in moving or propulsion.

B. Skateboard shall mean a board of any material which has wheels attached to it and which, if propelled or moved by human, gravitational or mechanical power, and to which there is not fixed any device or mechanism to turn or control the wheels.

(Ord. No. 1997-17, § 2, 9-17-1997)

Sec. 70-33 Penalties

Any violation of this article is deemed an infraction, punishable by a fine of $25.00. A second and all subsequent violations of this article shall be punishable by a fine of $50.00.

(Ord. No. 1997-17, § 2, 9-17-1997)

Sec. 70-34 Exemption

Any device designated, intended and used solely for the transportation of infants, the handicapped or incapacitated persons, and devices designed, intended and used for the transportation of materials in and out of the public buildings, shall be exempt from this article.

(Ord. No. 1997-17, § 2, 9-17-1997)

Secs. 70-35—70-50 Reserved.
ARTICLE IV   VEHICLE SEIZURE AND IMPOUND

Sec. 70-51   Title
This division shall be known, cited and referred to as the "Vehicle Impound Ordinance of DeKalb County."
(Ord. No. 2016-17, 11-16-2016)

Sec. 70-52   Purpose
The purpose of this division is to offset the costs incurred in the preparing, prosecuting, hearing, and disposing of criminal and traffic cases, and recover the costs associated with the towing, impounding, or seizing of motor vehicles used during the commission of criminal, traffic, or other offenses within the County.
(Ord. No. 2016-17, 11-16-2016)

Sec. 70-53   Construction
In the construction of this division, the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise:

1. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; words used in the masculine gender shall include the female gender; and such inclusive words shall be reciprocal.
2. The word "may" is permissive or discretionary.
3. The word "shall" is mandatory and not discretionary
(Ord. No. 2016-17, 11-16-2016)

Sec. 70-54   Definitions
For the purposes of this division, the words and phrases listed hereunder have the meanings designated herein, except when a particular context clearly requires a different meaning:

County: The County of DeKalb, Illinois.

Law enforcement officer: Every officer authorized to make arrests and issue citations for criminal and traffic offenses occurring within the County.

Lessee: The person authorized by a written lease agreement to possess the vehicle and as properly registered with the Illinois secretary of state, or if registered in a state other than Illinois, as properly registered with the administrative agency responsible for registration in that state.

Person: An individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

Registered owner: The record titleholder(s) of the vehicle as properly registered with the Illinois secretary of state, or if registered in a state other than Illinois, record titleholder as properly registered with the administrative agency responsible for registration in that state.

(Ord. No. 2016-17, 11-16-2016)
Sec. 70-55  Vehicles Subject to Impoundment

Any motor vehicle, regardless of whether the registered owner or lessee is operating said vehicle, within the County, shall be subject to seizure and impoundment under this section, anytime said vehicle is used in connection with one or more of the following offenses:

1. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to section 36-1 of the Criminal Code of 1961 (seizure), as now enacted and as amended from time to time; or

2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 Illinois Compiled Statutes 5/11-501, as now enacted and as amended from time to time; or

3. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act, 720 Illinois Compiled Statutes 550 et seq., as now enacted and as amended from time to time; or

4. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570 et seq., as now enacted and as amended from time to time; or

5. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961 (Unlawful use of weapons), as now enacted and as amended from time to time; or

6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to 625 Illinois Compiled Statutes 5/6-303, as now enacted and as amended from time to time; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or

7. Operation or use of a motor vehicle in connection with soliciting, or attempting to solicit cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act, as now enacted and as amended from time to time; or

8. Operation or use of a motor vehicle with an expired driver's license, in violation of 625 Illinois Compiled Statutes 5/6-101 (Expired DL over 1 year), as now enacted and as amended from time to time, if the period of expiration is greater than one year; or

9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of 625 Illinois Compiled Statutes 5/6-101, as now enacted and as amended from time to time, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or

10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a Circuit Clerk in Illinois for failing to answer charges that the driver violated 625 Illinois Compiled Statutes 5/6-101, 5/6-303, or 5/11-501 (Expired DL over 1 year, DWS/DWR, DUI), as now enacted and as amended from time to time; or

11. Operation or use of a motor vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of article 16 or 16A of the Criminal Code of 1961 (Theft and Related Offenses, Retail Theft), as now enacted and as amended from time to time; or

12. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, the offense of fleeing to elude a police officer, in violation of 625 Illinois Compiled Statutes 5/11-204.1, as now enacted and as amended from time to time; or

13. Any other offense now codified or subsequently enacted, that directs or authorizes a law enforcement officer to seize, impound, or tow the motor vehicle in question (other arrestable misdemeanor offenses).

(Ord. No. 2016-17, 11-16-2016)
Sec. 70-56  Administrative Fee
An administrative fee in the amount of $300.00 for a first offense, or $500.00 for a second or subsequent offense, shall be imposed on the registered owner or lessee of any motor vehicle impounded under this division.

1. Said fee is to serve as a proxy for the actual administrative costs incurred by the County and County agencies as the result of towing and impounding of vehicles, and the preparing, prosecuting, hearing, and disposing of criminal or traffic cases involving the use of motor vehicles.

2. The administrative fee shall be in addition to:
   a. Any other penalties that may be assessed by a court of law for the underlying violations;
   b. Any towing or storage fees, or both, charged by the towing company.

3. If there exists more than one registered owner or lessee of the vehicle in question, each registered owner or lessee shall be jointly and severally liable to the County for the administrative fee.

(Ord. No. 2016-17, 11-16-2016)

Sec. 70-57  Commencement of Impoundment
Whenever a law enforcement officer has probable cause to believe that a motor vehicle is subject to impoundment, under section 70-55 of this division, the officer shall provide for the towing of the vehicle to a facility authorized by the County. Said vehicle shall be impounded and held until such time the administrative fee is paid or the vehicle is subject to release under the provisions of this division.

(Ord. No. 2016-17, 11-16-2016)

Sec. 70-58  Notice of Seizure and Impoundment
Upon seizure and impoundment, the law enforcement officer shall provide notice as directed under this section.

1. Initial notice. At the time the vehicle is towed, the deputy shall notify, or make a reasonable attempt to notify, the registered owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the impoundment, and of the registered owner's or lessee's right to an administrative hearing.
   a. Any notice under this section shall be in writing, and said notice shall indicate that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the registered owner, lessee, or a lienholder of record posts, with the sheriff, a bond equal to the administrative fee and pays for all towing and storage charges.
   b. Said notice shall inform the recipient of the right to an administrative hearing, and shall provide instructions on the exercise of that right.

2. Owner is passenger or driver. If a registered owner or lessee is found to be a passenger or driver of any vehicle seized under this division, then he or she shall be personally served with written notice under this section.

3. Owner is not passenger or driver. If no registered owner or lessee is found to be a passenger or driver of any vehicle seized under this division, then the written notice shall be served on the registered owner or lessee, either by personal service or by certified mail, to the address as registered with the secretary of state.
   a. All notices shall be served upon the registered owner or lessee within ten business day after a vehicle is seized and impounded; and
b. Said notice shall indicate that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the registered owner, lessee, or a lienholder of record posts, with the sheriff, a bond equal to the administrative fee as provided by section 70-59 of this division, and pays for all towing and storage charges.

(Ord. No. 2016-17, 11-16-2016)

Sec. 70-59  Cash/Credit Bond

The registered owner, lessee, or a lienholder of record of any vehicle seized pursuant to this division may retrieve the vehicle seized prior to the evidentiary hearing by posting a cash/credit bond at the County Sheriff’s Office, in addition to the payment of applicable towing and storage fees.

1. The bond shall be an amount totaling the administrative fee established in sections 1-6 of this division.

2. Upon posting of bond, the vehicle shall be released to the registered owner, lessee, or the lienholder of record who posted said bond.

(Ord. No. 2016-17, 11-16-2016)

Sec. 70-60  Preliminary Hearing

If the owner of record of a vehicle impounded pursuant to this section desires to appeal the impoundment, the owner must make a request for a preliminary hearing within 24 hours of the impoundment (if served immediately) or within five (5) business days of the receipt of the notice provided. The request shall be in writing and filed with the sheriff or designee who shall conduct the preliminary hearing within 24 hours of the receipt of the request, excluding Saturdays, Sundays, or County holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence shall not apply at the preliminary hearing and hearsay evidence shall be admissible if it is of the type commonly relied upon by a reasonably prudent person. If after the hearing, the sheriff or designee, determines that there is cause to believe that the vehicle is subject to impoundment pursuant to this article unless the owner of record posts, with the County, a cash/credit bond in the amount of $300.00 for a first offense, or $500.00 for a second or subsequent offense, plus any costs of prosecution, and pays the tow and storage companies any applicable towing and storage fees. If the sheriff, or his designee, determines that the continued impoundment of the vehicle is without cause, the vehicle shall be returned to the registered owner without penalty of other fees.

(Ord. No. 2016-17, 11-16-2016)

Sec. 70-61  Administrative Hearing

Subject to the provisions of 625 Illinois Compiled Statutes 5/11-208.3, and in a manner consistent with other statutes or ordinances regulating administrative hearings, a registered owner or lessee may request an administrative hearing to review the imposition of the administrative fee under this division.

1. Request for hearing. A registered owner or lessee of any vehicle seized pursuant to this division may request a hearing within five business days of the preliminary hearing. The hearing will be held no later than 45 days after the date of the mailing of the notice of the hearing.

   a. All requests for hearing shall be in writing and must include the following:

      1. The name of the registered owner or lessee making the request for hearing;
      2. The name of any registered owner or lessee having an interest in the seized vehicle;
      3. The make, model, and registration number of the vehicle seized;
      4. The date and location of the seizure; and
      5. The identity of the driver who was operating or in control of the vehicle at the time of seizure.
2. **Waiver of hearing.** Unless the registered owner or lessee properly delivers a request for hearing within the time allowed under this section, said hearing shall be deemed waived, and any right to an administrative hearing shall be forfeited.

3. **Administrative hearing officer.** The administrative hearing shall be conducted by a hearing officer designated by the County, who is an attorney licensed to practice law in this state for a minimum of three years.

4. **Appearance.** The party challenging the hearing must appear personally or through a licensed attorney. A failure of the challenging party to appear shall result in a default ruling sustaining the vehicle impoundment.

5. **Reasonable opportunity.** All interested persons shall be given a reasonable opportunity to be heard at the hearing.

6. **Rules.** The formal rules of evidence shall not apply and hearsay evidence shall be admissible.

7. **Burden.** The burden shall be on the party challenging the administrative fee to prove one of the available defenses by preponderance of the evidence.

8. **Written decision.** At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.

9. **Bond forfeited.** If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee, or bond posted to secure the release of the vehicle shall be forfeited to the County.

10. **Fees to be paid.** Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the registered owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid.

11. **Vehicle release.** If the administrative hearing officer overturns the basis for the vehicle impound, the vehicle shall be released to the registered owner, lessee, or lienholder of record challenging such fee, provided all towing and storage charges are paid. The administrative hearing officer does not have the authority to waive towing and storage charges.

*(Ord. No. 2016-17, 11-16-2016)*

**Sec. 70-62 Defenses**

At any hearing reviewing the imposition of the administrative fee, the administrative hearing officer shall only consider defenses recognized by this section.

1. There shall only be three recognized defenses to the imposition of the administrative fee:
   a. The vehicle was stolen at the time the illegal item was found in the vehicle, and the theft was reported within 24 hours after the theft was discovered or reasonably should have been discovered;
   b. The vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the vehicle; or
   c. The vehicle was not used in connection with an offense described in section 70-55 of this division.

2. Notwithstanding the limitations set forth in paragraph (1) of this section, the following circumstances shall not constitute a defense to the imposition of the administrative fee:
   a. The registered owner, lessee, or lienholder of record was not the driver of the vehicle during the commission of the offense in question;
   b. Any criminal charge related to the incident giving rise to the impoundment has been adjudicated not guilty;
c. Any criminal charge related to the incident giving rise to the impoundment has been dismissed or otherwise disposed of; or

d. Any other circumstance not specified in paragraph (1) of this section.

(Ord. No. 2016-17, 11-16-2016)

**Sec. 70-63 Administrative Review Law**

All administrative hearing rulings shall be subject to review under the provisions of the Administrative Review Law, as codified at 735 Illinois Compiled Statutes 5/3-101 et seq.

(Ord. No. 2016-17, 11-16-2016)

**Sec. 70-64 Enforcement**

Unless stayed by a court of competent jurisdiction, any administrative fee imposed under this division which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the administrative review law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(Ord. No. 2016-17, 11-16-2016)

**Sec. 70-65 Abandoned Vehicles**

Vehicles not retrieved from the towing facility or storage facility within thirty-five (35) days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Vehicle Code.

(Ord. No. 2016-17, 11-16-2016)