Chapter 15 - TRAFFIC AND VEHICLES

Sec. 15-A TRAFFIC CONTROL

Sec. 15-A-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. 15-A-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.

(Code 1979, § 14-3; Ord. No. 1994-21, § 1, 7-20-1994; Ord. No. 1997-11, § 1, 6-18-1997; Ord. No. 2004-33, § 1, 10-20-2004; Ord. No. 2008-06, § 1, 4-16-2008)

Sec. 15-A-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:

Road Zoned	From	To
Brickville Road	City limits	Briar Lane
Cambridge Road	Hollie Lane	Hillcrest Road
Carol Wood Drive	Royal Oak Rd.	Its southern terminus
Clare Road	635′ N of C&GW RR	300′ S of C&GW RR
E. Co. Line Road	958′ N of C&NW RR	C&NW Railroad
E. Co. Line Road	City limits of Maple Park Road	1030′ south of U.P. RR
Ellwood Greens Road	Madison Street	Oakview Lane
Ellwood Greens Road	Oakview Lane	Royal Oak Road
Eychaner Road	Esmond Road	1056 feet east
Four Queens Court	In its entirety	
Heath Road	Glidden Road	Hollie Road
Hillcrest Road	Cambridge Road	Lettow Road
Hollie Road	Lettow Road	Cambridge Road

Kirkland Road	1060′ N of Route 72	Route 72
Lettow Road	Glidden Road	its terminus
Pine Drive	North State Road	East Pine Circle
East Pine Circle	South Pine Circle	North Pine Circle
North Pine Circle	West Pine Circle	East Pine Circle
South Pine Circle	East Pine Circle	West Pine Circle
West Pine Circle	South Pine Circle	North Pine Circle
Rebecca Road	In its entirety	
Ridge Road	In its entirety	
Royal Oak Road	Carol Wood Drive	Ellwood Greens Road
Shabbona Road	1966′ N of Route 30	2693′ S of Route 30
Shabonna Road	500′ W of S 2nd	1000′ W of S 2nd
Somonauk Road	1360′ N of North Street (Town of Cortland)	75′ N of North St.
Waterman Road	410′ N of Duffy Road	Duffy Road
W. Co. Line Road	247′ N of CB&Q RR	CB&Q Railroad
Swanson Road	Illinois State Route 23	East for 2,653 feet

(Ord. No. 1988-15, § 1, 5-18-1988; Ord. No. 1997-18, § 1, 11-19-1997; Ord. No. 1998-23, § 1, 8-19-1998; Ord. No. 1998-29, § 1, 9-16-1998; Ord. No. 1998-30, § 1, 10-21-1998; Ord. No. 2003-01, 1-15-2003; Ord. No. 2019-35, 8-21-2019 PDF *)*

Sec. 15-A-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:

Road	From	To	Speed Limit (mph)
Airport Road	Sycamore City Limits	Quigley Road	45
Barber Greene Road	Illinois Route 23	1700′ E of Route 23	35
Barber Greene Road	1700′ E of Route 23	1000′ E of Peace Road	45
Bethany Road	Kishwaukee River easterly	DeKalb city limits	50
Coltonville Road	1300′ W of West Stonehenge Drive	W. Stonehenge Drive	45
Coltonville Road	North First St.	Kishwaukee River Bridge	45
Dresser Road	Wildflower Lane	Glidden Road	50
Duffy Road	Somonauk Road	3,000′ W	35
East County Line	Illinois State Route 38	500 feet north of Ashton Street	45
East County Line	500 feet north of Ashton Street	Washington Street	35
North First Street	800′ N of Coltonville	3670′ S of Bethany	45
North First Street	Dresser Rd.	2300′ N	45
Five Points Road	Illinois Route 72	North for a distance of 1,865′	40

Genoa Road	Genoa city limit	400 ′ NW	35
Genoa Road	400 ′ NW of Genoa city limit	3,000 ′ NW	45
Glidden Road	South Malta Road (Taylor Street)	One-quarter mile south	45
Gurler Road	South First Street	DeKalb city limits	50
Gurler Road	Illinois Route 23	DeKalb city limits	45
Lloyd Road	Brickville Road	Route 23	35
Peace Road	Illinois Route 64	Illinois Route 23 South	50
Peace Road	Illinois Route 23	500 feet south of Foxbend Drive	45
Peace Road	Pleasant Street	Challenger Drive	45
Pearl Street	Franklin Township limits, north of the south branch of the Kishwaukee River	1,915 feet north of township limits	35
Pioneer Terrace	Virginia Road	West to end of roadway	25
Plank Road	1,225 feet east of Luther Lowell Lane	320 feet southwest of North Grove Road	40
Pleasant Street	County Farm Road	One-half mile south	50
Rich Road	1500′ west of North First Street	North First Street	45
Somonauk Road	Bethany Road	1800′ South	45
Somonauk Road	Carol Avenue	Pleasant Street	45
Somonauk Road	Illinois Route 30	1965′ north of IL Rt. 30	40
Suydam Road	Sandwich city limits	700′ W of Gletty	40
Suydam Road	700′ W of Gletty	2500′ W of Gletty	45
Suydam Road	2500′ W of Gletty	1600′ W of Somonauk Creek	50
Twombly Road	Glidden Road	DeKalb city limits	45
Virginia Road	IL Route 38	North to end of roadway	25
Five Points	320 feet north of IL Route 72	1,360 feet north	20
New Lebanon	60 feet north of 1st Street	2,100 feet south	30
Brown Street	West Street	In its entirety	25
Keith Street	West Street	White Street	25
Koch Street	Main Street	White Street	25
Main Street	IL Route 72	South Street	25
South Street	West Street	White Street	25
West Street	IL Route 72	South Street	25
White Street	IL Route 72	South Street	25
Elva	590 feet east of Waterman Road	West for 2,160 feet	35
McGirr	530 feet east of Leland Road	West for 1,320 feet	35
Dovetail Point	West Motel Road	West/Northwest/West for 1,460 feet	25
W. Forestview Drive	West Motel Road	West/Northwest/North to Dovetail Point	25

Gurler Road	South First Street	West for 2,900 feet	45
Gurler Road	South First Street	East to DeKalb City Limits	45
Rowantree Road	Florence Drive	West 350 feet	20
Florence Drive	Rowantree Road	Nichols Drive	20
Nichols Drive	Florence Drive	West 350 feet	20
East Sandwich Road	1,715 Feet Northwest of Bastian Road	South-Southwest for 3,725 Feet	45
Esmond Road	630 Feet North of Main Street	South for 1,980 Feet	45
Plank Road	1,700 Feet Southwest of Moose Range Road	500 feet North and East of Moose Range Road	45
Lincoln Road	Derby Line Road	410 feet South of Eagle Drive	45
Peace Road	Gurler Road	North to City of DeKalb Limits	35
Perry Road	Illinois State Route 23	East for 3,210 Feet	45
Northwood Drive	North State Road	East/North/West for a distance of 2,435 feet	30

(Ord. No. 1988-1, § 1, 1-20-1988; Ord. No. 1996-7, § 1, 1-17-1996; Ord. No. 1996-8, § 1, 1-17-1996; Ord. No. 1997-8, § 1, 5-21-1997; Ord. No. 1997-9, § 1, 5-21-1997; Ord. No. 1998-17, § 3, 5-20-1998; Ord. No. 1998-19, § 3, 7-15-1998; Ord. No. 2001-05, §§ 1, 7, 2-21-2001; Ord. No. 2001-25, §§ 1, 7, 11-21-2001; Ord. No. 2002-05, § 1, 7, 4-17-2002; Ord. No. 2002-06, § 1, 7, 4-17-2002; Ord. No. 2002-20, 9-18-2002; Ord. No. 2003-25, 10-15-2003; Ord. No. 2006-05, 2-15-2006; Ord. No. 2006-08, 3-15-2006; Ord. No. 2007-01, 12-20-2006; Ord. No. 2009-14, 9-16-2009; Ord. No. 2010-10, 5-19-2010; Ord. No. 2015-09, 10-21-2015; Ord. No. 2015-10, 11-18-2015; Ord. No. 2016-03, 6-15-2016; Ord. No. 2016-04, 6-15-2016; Ord No. 2016-07, 8-16-2017; Ord. No. 2017-18, 9-20-2017; Ord. No. 2017-19, 9-20-2017; Ord No. 2018-08, 5-16-2018; Ord. No. 2018-19, 9-19-2018; Ord. No. 2018-27, 10-17-2018; Ord No. 2019-29, 4-17-2019; Ord No. 2020-07, 2-19-2020; Ord No. 2021-01, 1-20-2021; Ord No. 2021-04, 4-21-2021; Ord. No. 2021-06, 05-19-2021; Ord. No. 2024-12, 11-20-2024)

Sec. 15-A-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.

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.

(Ord. No. 2009-13, 9-16-2009; R2017-89, 6-21-2017)

Sec. 15-A-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.

(Ord. No. 2004-08, §§ 1—4, 1-21-2004; Ord. No. 2007-14, § 7, 9-19-2007)

Sec. 15-B WEIGHT OF VEHICLES

Sec. 15-B-1 Definition

For the purpose of this article, "axle" is defined as all axles excepting the front axle.

(Ord. No. 1996-1, § 1, 12-20-1995; Ord. No. 1997-1, § 1, 12-18-1996; Ord. No. 1998-42, § 1, 12-16-1998; Ord. No. 2000-01, § 1, 12-15-1999)

Sec. 15-B-2 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.

(Ord. No. 1996-1, § 2, 12-20-1995; Ord. No. 1997-1, § 2, 12-18-1996; Ord. No. 1998-42, § 2, 12-16-1998; Ord. No. 2000-01, § 2, 12-15-1999; Ord. No. 2004-37, § 1, 9-15-2004)

Sec. 15-B-3 Signs

The County Engineer shall install appropriate signs in the above provided prohibited areas.

(Ord. No. 1996-1, § 3, 12-20-1995; Ord. No. 1997-1, § 3, 12-18-1996; Ord. No. 1998-42, § 3, 12-16-1998)

Sec. 15-B-4 Copy of Ordinance

The County Engineer shall maintain a copy of this article in his office for inspection by interested persons, firms or corporations.

(Ord. No. 1996-1, § 4, 12-20-1995; Ord. No. 1997-1, § 4, 12-18-1996; Ord. No. 1998-42, § 4, 12-16-1998)

Sec. 15-B-5 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.

(Ord. No. 1996-1, § 5, 12-20-1995; Ord. No. 1997-1, § 5, 12-18-1996; Ord. No. 1998-42, § 1, 12-16-1998)

Sec. 15-C VEHICLE SEIZURE AND IMPOUND

Sec. 15-C-1 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. 15-C-2 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. 15-C-3 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. 15-C-4 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. 15-C-5 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. 15-C-6 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. 15-C-7 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. 15-C-8 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. 15-C-9 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. 15-C-10 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. 15-C-11 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. 15-C-12 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. 15-C-13 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. 15-C-14 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. 15-C-15 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)