

CHAPTER 24 – MOTOR VEHICLES

Article I – General Provisions

24-1-1 Warning Load Restrictions: No vehicle shall be operated over this County Highway _____ between _____ and _____, whose gross weight results in an axle load of more than 8,000 lbs. or a load of more than 400 lbs. per inch of tire and if the vehicle has dual tires, the load per inch of tire shall not exceed 300 lbs., and in all cases of tires equipped with chains or other non-skid devices, the load per inch of tire shall not exceed 200 lbs.

24-1-2 Prohibiting Encroachments:

(1) Definitions.

- (A) Roadway Right-Of-Way is defined as those areas existing or acquired by dedication or by fee simply for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;
- (B) Project Right-Of-Way is defined as those areas within the project right-of-way lines established jointly by the County Road District, State, and the Federal Highway Administration which will be free of encroachments, except as hereinafter defined;
- (C) Encroachment is defined as any building, fence, sign, or any other structure or object of any kind, (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.
- (D) Permissible Encroachment is defined as any existing awning, marquee, advertising sign or similar overhanging structure supported from a building immediately adjacent to the line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confirmed by adjacent buildings.
- (E) Construction Easement Area is defined as that area lying between the project right-of-way limits and the platted street limits within which the County, by concurrence in the establishment of the project right-of-way lines, will permit the State to enter to perform all necessary construction operations.

(2) It shall be unlawful for any person, firm or corporation to erect to cause to be erected, to retain or cause to be retained, any Encroachment (hereinabove defined), within the

limits of the project right-of-way or roadway right-of-way.

(3) Project right-of-way lines have been established to be the roadway right-of-way lines.

24-1-3 Stop Streets. The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to resolution at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with.

Stop signs shall be erected at all intersections with roads other than State Highways requiring these roads to stop at designated County Highways. (625 ILCS 5/11-302)

24-1-4 Traffic-Control Signal. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, it shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic-control signal placed in view by authority of the County Board or in accordance with the laws of the State of Illinois, excepting on direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. (625 ILCS 5/11-305, 306)

24-1-5 Speed Limits. It shall be unlawful to drive any motor vehicle on any street under the jurisdiction of the Illinois Department of Transportation (IDOT), the County, or an urban district within, at a speed in excess of thirty (30) miles per hour.

It shall be unlawful to drive any vehicle on any highway outside the urban district at a speed of more than sixty-five (65) miles per hour.

It shall be unlawful to drive any vehicle of the first division towing another, outside of an urban district at more than fifty-five miles (55) per hour, in an urban district at more than thirty (30) miles per hour or fifteen (15) miles per hour in an alley.

Provided that if the County Board by law, sets other limits as provided by Illinois law, after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such law. Appropriate signs shall be posted showing such speed limits.

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 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 be reason of weather or highway conditions; 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. (625 ILCS 5/11-601)

It shall be unlawful to drive any vehicle on any street or highway under the jurisdiction of IDOT, or of the County, at a speed exceeding that lawfully set for such street.

Provided further that the speed of all vehicles of the second division as defined by statute shall be as follows:

Provided further that the maximum speed limit outside an urban district for any vehicle of the first division or a second division vehicle designed or used for the carrying of a gross weight of 8,000 pounds or less (including the weight of the vehicle and maximum load) is fifty-five (55) miles per hour outside of an urban district, thirty (30) miles per hour in an urban district, and fifteen (15) miles per hour in an alley. If the vehicle is designed and used for pulling or carrying freight and has a gross weight of eight thousand (8,000) pounds or less (including the weight of the vehicle and maximum load), and is equipped with pneumatic tires, the maximum is fifty-five (55) miles per hour outside of an urban district, thirty (30) miles per hour in an urban district, and fifteen (15) miles per hour in an alley; but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten (10) miles per hour at all times and in all locations.

The maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is fifty-five (55) miles per hour outside an urban district, thirty (30) miles per hour in an urban district, and fifteen (15) miles per hour in an alley, but if such vehicle is equipped with two (2) or more solid tires, the maximum is ten (10) miles per hour at all times and in all locations.

(3) If the vehicle is designed and used for carrying more than seven (7) passengers, and is equipped with pneumatic tires, the maximum is fifty-five (55) miles per hour outside of an urban district.

24-1-6 Special Speed Limits While Passing Schools. No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present. Appropriate signs shall be posted to indicate this restriction. (625 ILCS 5/11-605)

Article II – Abandoned Vehicles

24-2-1 Policy. The County Board does hereby declare all inoperable and abandoned motor vehicles, whether on public or private property, to be a nuisance. However, nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

24-2-2 Definitions. For the purpose of this Chapter, the following words shall have the meaning ascribed to them as follows:

“Abandoned Vehicle” means all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted. (625 ILCS 5/1-101.05)

“All-Terrain Vehicle” Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer’s dry weight of 900 pounds or less, traveling on 3 or more low pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers. (625 ILCS 5/1-101.8)

“Antique Vehicle” means any motor vehicle or other vehicle twenty-five (25) years of age or older. (625 ILCS 5/1-102.01)

“Derelict Vehicle” means any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner’s land. (625 ILCS 5/1-115.07)

“Highway” means any street, alley, public way within this county.

“Inoperable Motor Vehicle” means any motor vehicle from which, for a period of at least 6 months, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. “Inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

24-2-3 Abandonment.

(A) Highway. The abandonment of a motor vehicle or other vehicle or part thereof on any highway in the county is unlawful and subject to penalties as set forth herein.

(B) Private Property. The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property other than a highway, in view of the general public

anywhere in this county is unlawful, except on property of the owner or bailee of such abandoned vehicle.

(C) Authorization of Removal. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Sheriff after a waiting period of seven (7) days or more has expired, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code. (625 ILCS 5/4-201)

24-2-4 Possession of Vehicle By Other Party; Towing. When an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this county, not the owner of the vehicle, such person shall immediately notify the Sheriff's Office when the vehicle is within the corporate limits of the county. Upon receipt of such notification, the Sheriff, or his designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in the Chapter. (625 ILCS 5/4-202)

24-2-5 Removal of Motor Vehicles or Other Vehicles – Towing or Hauling Away.

(A) When a vehicle is abandoned or left unattended on a highway in an urban district ten (10) hours or more, its removal by a towing service may be authorized by the Sheriff's Office of the County.

(B) When a vehicle is abandoned, or left unattended on a highway other than a toll highway, interstate highway or expressway outside of an urban district for twenty-four (24) hours or more, its removal by a towing service may be authorized by the Sheriff's Department.

(C) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway, or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Sheriff's Department.

(D) When a vehicle removal from either public or private property is authorized by the Sheriff's Department, the owner of the vehicle will be responsible for all towing costs. (625 ILCS 5/4-203)

(E) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to ten (10) days after the date of the tow. (625 ILCS 5/4-201)

24-2-6 Sheriff's Responsibilities. When a motor vehicle or other vehicle is authorized to be towed away, as provided herein, the Sheriff's Department shall keep and maintain a record

of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of the tow, location towed from, location towed to, reason for towing and the name of the deputy authorizing the tow. (625 ILCS 5/4-204)

24-2-7 Unknown Owner. When the Sheriff's Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

After authorizing the impoundment, the Sheriff will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police Department for stolen or wanted information of the vehicle. The information determined from these record searches will be used by the Sheriff's Department in sending notification by certified mail to the owner or legally entitled person, advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. (625 ILCS 5/4-205)

24-2-8 State Police Information. When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign State, if applicable, the Sheriff's Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner, or other person legally entitled to the possession of the vehicle. (625 ILCS 5/4-206)

24-2-9 Public Sale; Reclamation. Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 24-2-9, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Sheriff's Department, proof of ownership, or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing, storage, and processing charges have been paid. (625 ILCS 5/4-207)

24-2-10 Notification; New Car; Mail. Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle four (4) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Sheriff shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Sheriff's Department shall

cause a notice of the time and place to be sent by certified mail to the registered owner or other person known by the Sheriff's Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Sheriff's Department, due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of second certified notice will not be required. (625 ILCS 5/4-208)

24-2-11 Notification "For Sale."

(A) New Car. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided herein, or disposed of in the manner authorized by this Chapter, without notice to the registered owner or other person legally entitled to the possession of the vehicle. (625 ILCS 5/4-209)

(B) Old Car. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service, or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) days period, without the benefit of disposition information being received from the registered owner, the Sheriff will authorize the disposal of the vehicle as junk. (625 ILCS 5/4-209)

(C) Antique Vehicle. A motor vehicle or other vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore such vehicle. A motor vehicle or other vehicle classified as an antique vehicle is otherwise excluded from the provisions of this Chapter. (625 ILCS 5/4-209.1)

24-2-12 Sheriff's Record for Disposed Vehicle. When a motor vehicle or other vehicle in the custody of the Sheriff's Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Sheriff's Department for a period of one (1) year from the date of the sale or disposal. (625 ILCS 5/4-210)

24-2-13 Public Sale Proceeds. When a vehicle located within this County is authorized to be towed away by the Sheriff and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges shall be deposited in the County General Fund. (625 ILCS 5/4-211)

24-2-14 Liability of County. Any Sheriff's Deputy, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter. (625 ILCS 5/4-213)

Article III – Regulations and Penalty

24-3-1 Imposition of Load Limit. In order to implement Section 24-2-1 of this code, the Superintendent of Highways and County Highway Committee of the County Board are hereby authorized to place maximum load limits on all roads under their jurisdiction for a period not to exceed ninety (90) days during any calendar year. (625 ILCS 5/15-316)

24-3-2 Traffic Fines.

(A) The Clerk of the Circuit Court of the County shall charge and collect a fee of five (5) dollars for all “Traffic Violations” where there is an admission or finding of guilt; said fee shall be used for the purpose of supporting the court system in the County. (55 ILCS 5/5-1103)

A “traffic violation” for the purpose of this code shall not include parking tickets or parking violations.

(B) The Clerk of the Circuit Court of the County shall commence such charges and collection upon receipt of written notice from the Chairman of the County Board that the County Board has acted to establish such a fee.

(C) The fee shall be in addition to all other fines and charges assessed by the County Circuit Court and shall be remitted monthly by the County Clerk of the Circuit Court to the County Treasurer for deposit. (12-14-81)

24-3-3 Administrative fees and procedures for impounding vehicles for specified violations. *(This section added and enacted by the Full Board on November 25, 2013, by Ordinance 2013-03 – Robert White, Chairman of the Jefferson County Board and attested by Connie Simmons, County Clerk & Recorder.)*

(a) In accordance with 625 ILCS 5/11-208.7, the Sheriff’s Office is hereby authorized to impose a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of a vehicle, for the violations listed in subsection (b) below. The administrative fee imposed by the Sheriff’s Office may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the Sheriff’s Office upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

(b) The Sheriff’s Office shall establish procedures for the release of properly impounded vehicles under this Section and may impose fees for the following violations:

(1) operation or use of a motor vehicle in 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; or

(2) driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of this Code; or

(3) operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or

(4) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or

(5) operation or use of a motor vehicle in 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; or

(6) driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; 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 emissions testing; or

(7) operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or

(8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, 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 Section 6-101 of this Code, 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 Section 6-101, 6-303, or 11-501 of this Code; or

(11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961; or

(12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961, when so provided by local ordinance.

(c) The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (b):

(1) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.

(2) The fees shall be in addition to any other penalties that may be assessed by a court of law for the underlying violations; and any towing or storage fees, or both, charged by the towing company.

(3) The fees shall be in the amount of \$100.00 for all vehicles.

(4) The fees shall be collected by and paid to the Sheriff's Office.

(5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.

(d) The procedures established by the Sheriff's Office in accordance with this ordinance and 625 ILCS 5/11-208.7 shall provide for an opportunity for a hearing, as provided in subdivision (b)(4) of Section 11-208.3 of the Motor Vehicle Code, and for the release of the vehicle to the owner of record, lessee, or a lienholder of record upon payment of all administrative fees and towing and storage fees.

(e) The procedures established by the Sheriff's Office in accordance with this ordinance and 625 ILCS 5/11-208.7 shall include the following provisions concerning notice of impoundment:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the Sheriff's Office.

(2) At the time the vehicle is towed, the Sheriff's Office shall notify or make a reasonable attempt to notify the 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 seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The Sheriff's Office shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the Sheriff's Office a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(f) The registered owner or lessee of an impounded vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

(1) be served upon the owner, lessee, or any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;

(2) be served upon interested parties within 10 days after a vehicle is impounded by the Sheriff's Office; and

(3) contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(g) In addition to the requirements contained in subdivision (b)(4) of Section 11-208.3 of the Motor Vehicle Code relating to administrative hearings, the following requirements shall apply:

(1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years;

(2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;

(3) if the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the Sheriff's Office;

(4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law; and

(5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid.

(h) Vehicles not retrieved from the towing facility or storage facility within 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 Motor Vehicle Code.

(i) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this ordinance 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.