

## CHAPTER 24

### MOTOR VEHICLE CODE

#### ARTICLE I – GENERAL PROVISIONS

**24-1-1 SEASONAL LOAD RESTRICTIONS.** Pursuant to the Illinois Vehicle Code, (**625 ILCS Sec. 5/15-316**), the following warning shall be posted on all roads designated as Seasonal Load Limit roads:

**NO VEHICLE SHALL BE OPERATED OVER THIS COUNTY HIGHWAY BETWEEN JANUARY 15 AND APRIL 15, WHOSE GROSS WEIGHT RESULTS IN AN AXLE LOAD OF MORE THAN 5 TONS.**

All said seasonal load streets shall be listed in Schedule "A" of this Chapter. In addition, the County Engineer shall maintain in his office at all times, for public inspection, a map showing the County Highways or sections thereof, on which such weight restrictions are being invoked. (**See Schedule "A"**) (**Ord. No. 10-1037; 12-20-10**)

**24-1-2 PERMANENT LOAD RESTRICTIONS.** Pursuant to the Illinois Vehicle Code (**See 625 ILCS Sec. 5/15-316**), the County does hereby establish Permanent Load Limits on the highways and roads specified in **Schedule "B"** entitled "**Permanent Load Restrictions**". The operation of trucks or other commercial vehicles is subject to the weight limitations designated for said highways. Said prohibitions and limitations shall be designated by appropriate signs. (**See Schedule "B"**)

**24-1-3 PROHIBITING ENCROACHMENTS.** The following definitions shall apply to this Section:

(A) **Road Right-of-Way** is defined as those areas existing or acquired by dedication or by fee simple 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.

It shall be unlawful for any person, firm, or corporation to erect or 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.

Project right-of-way lines have been established to be the roadway right-of-way lines. **(Ord. No. 9; 05-29-73)**

**24-1-4 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 ordinance 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. **(See Schedule "C")**

**24-1-5 TRAFFIC-CONTROL SIGNAL.** Whenever traffic is controlled by traffic-control signals exhibiting the words "**GO**", "**CAUTION**", or "**STOP**", or exhibiting different colored lights successively, 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. **(See Schedule "D")**

**24-1-6 YIELD RIGHT-OF-WAY.** The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

**24-1-7**      **SPEED LIMITS.** It shall be unlawful to drive any motor vehicle on any street under the jurisdiction of the Illinois State Department of Transportation, the County, or a Township Road District in an urban district with 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 **fifty-five (55) miles per hour**.

It shall be unlawful to drive any vehicle of the first division towing another vehicle, outside of an urban district at more than **fifty (50) miles 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 Statute, after an engineering or traffic survey, then such limits shall govern the rates of speed on the streets indicated in such law. Appropriate signs shall be posted showing such speed limits. **(See Schedule "E") (625 ILCS Sec. 5/15-316)**

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 curb, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway 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.

It shall be unlawful to drive any vehicle on any street or highway under the jurisdiction of the State Department of Transportation, the County, or a Township Road District 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:

(A)            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 of **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.

(B)            If the vehicle is designed and used for pulling or carrying freight and has a gross weight of more than **eight thousand (8,000) pounds** (including the weight of the vehicle and maximum load), and is equipped with pneumatic tires, the maximum of **fifty (50) miles per hour** outside of an urban district, **thirty (30) miles per hour** in an urban district; 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.

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

**24-1-8**      **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 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.

**24-1-9**      **NO PARKING STREETS.** Pursuant to the **Illinois Compiled Statutes**, the streets and roads listed in **Schedule "F" No Parking Streets** shall be designated as restricted or no parking streets and roads.

**24-1-10**      **LIMITED ACCESS THRU COMMERCIAL STREETS AND HIGHWAYS.**

(A)      **Definition.** For the purpose of this Section, the following words shall have the following meanings:

- (1)      **Commercial Vehicle.** Any vehicle over a gross vehicle weight of **twelve (12) tons** operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprises. For Hire or Not For Hire, but not including a commuter van, a vehicle used for ride sharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.
- (2)      **Thru Commercial.** Any commercial vehicle, as defined, not making local deliveries or pickups for the residents of the area.
- (3)      **Street.** The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicles traffic.

(B)      **Use Prohibited.** It shall be unlawful for any person, firm or corporation to operate a thru commercial vehicle upon the streets listed in **Schedule "G" entitled "LIMITED ACCESS THRU STREETS"** of this Code. This shall be in accordance with the provisions of the Illinois Statutes **625 ILCS 5/15-316**.

(C)      **Posting of Signs.** The County Engineer shall cause the erection of all appropriate signs to indicate the "Limited Access Thru Streets."  
**(Ord. No. 08-967; 05-26-08)**

**(Ord. No. 99-702; 12-28-99)**

## 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:

(A)         **"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.

(B)         **"Antique Vehicle"** means any motor vehicle or other vehicle **twenty-five (25) years** of age or older.

(C)         **"Highway"** means any street, alley, public way within this County.

(D)         **"Inoperable Motor Vehicle"** means any motor vehicle from which, for a period of at least **seven (7) days**, 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. **(Ord. No. 87-88; 11-30-87)**

(E)         **"Derelict Vehicle"** means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in this Code.

### **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 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)         **Owner's Property.** A motor vehicle or other vehicle or any part thereof so abandoned on the owner's property or an inoperable motor vehicle on owner's property in public view from a public highway right-of-way 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 from the date of personal service on a resident of the property where the vehicle is located. **(Ord. No. 87-88; 11-30-87)**

**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 this Chapter.

**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 for **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 impending 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.

**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 and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the deputy authorizing the tow.

**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 for stolen or wanted information of the vehicle. The information determined from these record searches shall 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 to be made and setting forth public sale information.

**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.

**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 and storage charges have been paid.

**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 a second certified notice shall not be required.

**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.

(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 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) day** period, without the benefit of disposition information being received from the registered owner, the Sheriff will authorize the disposal of the vehicle as junk. An exception to the above is provided or if in the opinion of the Sheriff's deputy processing the vehicle, it has value of **Two Hundred Dollars (\$200.00)** or more and can be restored to safe operation condition. In this event, the agency may authorize its purchase as salvage and the Secretary of State may issue a salvage certificate if the vehicle is bonded in the manner as provided for certificates of title. **(See 625 ILCS Sec. 5/3-100)**

(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.

**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.

**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.

**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.

**24-2-15**     **REMEDY.** The State's Attorney of St. Clair County is authorized to seek injunctive relief against the owner of any abandoned or inoperable motor vehicle that violates this Chapter. The State's Attorney of St. Clair County is not limited to injunctive relief and may proceed with any other remedy allowed by law. (**Ord. No. 87-88; 11-30-87**)

**24-2-16**     **PENALTY.**

(A)           Anyone found abandoning a motor vehicle, (1) or other vehicle or part thereof on any highway; or (2) on any private or public property in view of the general public; or (3) on the owner's property after **seven (7) days** notice of such, is guilty of a petty offense and punishable by a fine not to exceed **Five Hundred Dollars (\$500.00)**. Each day of violation is a new offense.

(B)           Anyone found keeping an inoperable vehicle on private property or the owner's property after **seven (7) days** notice of such is guilty of a petty offense and punishable by a fine not to exceed **Five Hundred Dollars (\$500.00)**. Each day of violation is a new offense.

## ARTICLE III – PENALTY

**24-3-1**      **COURT FEE; PENALTY.** The Clerk of the Circuit Court of St. Clair County is hereby authorized and directed to record and collect a **Five Dollar (\$5.00)** fee which is to be added to all fines imposed for violation of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the County. The proceeds of such fee shall be used to finance the court system of the County.

All fees collected shall be transferred to the County Treasurer monthly. The County Treasurer shall deposit all fees in a separate fund designated as “The County Court System Finance Fund” and to make disbursements or transfers as directed by the County Board. **(Ord. No. 14-82)**