

**TITLE 10: MOTOR VEHICLES & TRAFFIC**  
**CHAPTER 1: ENFORCEMENT OF TRAFFIC REGULATIONS**

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**10-1-1: DEFINITIONS**

For the purpose of this Title, the following terms shall have the meanings ascribed to them below. Unless otherwise indicated, the terms used in this Title shall have the meanings ascribed to them by the Illinois Compiled Statutes, as amended from time to time.

**Abandoned Vehicle** Any vehicle within the Village limits in such a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**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 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

**Business Day** Any day in which the office of the Village of Lincolnshire staffed by full

and/or part-time employees for a minimum of seven (7) hours.

**Commercial Vehicle**

Any self-propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds; or the vehicle is used or designed to transport more than fifteen (15) passengers, including the driver; or the vehicle is designed to carry fifteen (15) or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment; or the vehicle is used or designed to transport between nine (9) and fifteen (15) passengers, including the driver, for direct compensation; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act.

**Distracted Driving**

Manipulating items within the vehicle; reading; writing; performing personal grooming with a device; interacting physically with pets or unsecured cargo; or engaging in any other activity, which interferes with the proper operation of vehicle equipment while operating a motor vehicle, as evidenced by a contemporaneous moving traffic violation.

**Electronic Communications Device**

An electronic device, including, but not limited to, a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

**Hazardous Dilapidated Motor Vehicle**

Any motor vehicle with a substantial number of essential parts, as defined by Section 1-118 of the Illinois Vehicle Code, either damaged, removed or altered or otherwise so treated that the vehicle is incapable of being driven under its own motor power or, which by its general state of deterioration, poses a threat to the public's health, safety and welfare.

**Inoperable Motor Vehicle**

Any motor vehicle from which, for a period of at least seven (7) days, the essential parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily, for less than seven (7) days, incapable of being driven under its own motor power in order to perform ordinary service or repair operations. However, nothing in this Section shall apply to any motor vehicle that is kept within a building when not in use, or 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.

**Motor Vehicle**

Every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles and motor scooters.

**Owner**

A person who holds legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Chapter.

- Second Division Vehicles** Motor vehicles which are designed for pulling or carrying freight or cargo, designed or used for living quarters, signed to carry more than 10 persons, a first division vehicle remodeled for use and used as motor vehicles of the second division, and a first division vehicle used and registered as a school bus.
- Snow Mobile** A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts or cleats.
- Wireless Telephone** A device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

**10-1-2: ADOPTION OF ILLINOIS VEHICLE CODE**

- A. Pursuant to the authority vested within the Village by Section 1-3-2 of the Illinois Municipal Code, 65 ILCS 5/1-3-2, the Village hereby adopts, by reference, the Illinois Vehicle Code, 625 ILCS 5/1-100, et. seq., in its entirety, as heretofore enacted or hereafter amended, and the same are hereby adopted as ordinance provisions of the Village.
- B. A violation of said provisions of the Illinois Vehicle Code which are not otherwise expressly described in this Title shall be considered a violation of this Section and shall be cited as such in any notice of violation.
- C. Any violation of said provisions of the Illinois Vehicle Code shall hereinafter be considered a violation of this Chapter and each such violation shall subject the violator thereof to the penalty provisions provided in the Illinois Vehicle Code or where superseded by the Comprehensive Fine/Penalty Schedule, Title 1, Chapter 17.

**10-1-3: MISCELLANEOUS DRIVING AND TRAFFIC REGULATIONS**

**10-1-3-1: NEGLIGENT DRIVING**

A person commits the offense of negligent driving when he or she operates any motor vehicle in a manner where the person fails to become aware of certain circumstances that exist or of the possible results that will follow from his or her conduct, where such conduct constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

**10-1-3-2: DISTRACTED DRIVING**

No person shall engage in distracted driving while operating a vehicle on any street or highway within the Village except as follows:

- A. The performance of any act necessary for the proper operation of a vehicle;
- B. Persons using a wireless telephone to make an emergency call to 9-1-1 or other public safety emergency telephone numbers;
- C. Persons using electronic communications device while maintaining a motor vehicle parked;
- D. A law enforcement officer or operator of an emergency vehicle while performing his or her official duties and only when using an electronic device as necessary to carry out those duties;
- E. Persons using an electronic communications device while utilizing a hands free device that allows

the driver to talk to and listen to the other party without the use of the driver's hand;

- F. A driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication;
- G. A driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park; or
- H. A driver of a commercial vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed ten (10) inches tall by ten (10) inches wide in size.

**10-1-3-3 SQUEALING TIRES**

No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted from the vehicle's tires a squealing, screeching, or other similar noise due to rapid acceleration, excessive speed around corners or other reckless driving, except emergency braking or steering under normal traffic conditions to avoid collision with person or property.

**10-1-3-4 RADIOS AND SOUND AMPLIFICATION SYSTEMS**

No person shall operate a vehicle in a manner which causes or permits the use of any device that produces or reproduces sound in a manner that is plainly audible to any person other than the people in the passenger compartment of the vehicle, or which unreasonably disturbs the peace, quiet, and comfort of neighbors and passer-by. A device unreasonable disturbs the peace, quiet and comfort if it is plainly audible at a distance of seventy-five (75) feet from the vehicle.

**10-1-3-5 REQUIREMENT OF CERTIFICATE OF SAFETY**

Every owner of a second division vehicle, medical transport vehicle, tow truck, or contract carrier transporting employees in the course of their employment in a vehicle designed to carry 15 or fewer passengers shall, before operating the vehicle in the Village, submit it to a safety test and secure a certificate of safety furnished by the Illinois Department of Transportation.

- A. No person shall operate in the Village any vehicle required to be inspected under the provisions of this Chapter unless there is affixed to that vehicle a certificate of safety.
- B. Certificates of safety shall be in contrasting colors, as determined by the Illinois Department of Transportation, with a number on the face of the certificate indicating the month of the next inspection period in which the vehicle is subject to inspection.
- C. Certificates for school buses shall also indicate the mileage at which the school bus shall be subject to inspection if it occurs before the next regular inspection period.
- D. Exceptions – none of the provisions of this Section shall apply to the following:
  - 1. Farm tractors, machinery and implements, wagons, wagon-trailers or similar farm vehicles used primarily in agricultural pursuits;
  - 2. Vehicles other than school buses, tow trucks and medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants and which are subject to safety tests imposed by local ordinance or resolution;
  - 3. A semitrailer or trailer having a gross weight of 5,000 pounds or less including vehicle weight and maximum load;

4. Recreational vehicles as defined in the Illinois Vehicle Code;
5. Vehicles registered as and displaying valid Illinois antique vehicle plates;
6. House trailers equipped and used for living quarters;
7. Vehicles registered as and displaying Illinois permanently mounted equipment plates or similar vehicles eligible therefore but registered as governmental vehicles provided that if said vehicle is reclassified from a permanently mounted equipment plate so as to lose the exemption of not requiring a certificate of safety, such vehicle must be safety tested within 30 days of the reclassification;
8. Vehicles owned or operated by a manufacturer, dealer or transporter displaying special plates while such vehicle is being delivered from the manufacturing or assembly plant directly to the purchasing dealership or distributor, or being temporarily road driven for quality control testing, or from one dealer or distributor to another, or are being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment, or driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration;
9. Pole trailers and auxiliary axles;
10. Special mobile equipment;
11. Vehicles properly registered in another state pursuant to law and displaying a valid registration plate, except that vehicles of contract carriers transporting employees in the course of their employment in a vehicle designed to carry 15 or fewer passengers are only exempted to the extent that the safety testing requirements applicable to such vehicles in the state of registration are no less stringent than the safety testing requirements applicable to contract carriers that are lawfully registered in Illinois;
12. Water-well boring apparatuses or rigs;
13. Any vehicle which is owned and operated by the federal government and externally displays evidence of such ownership; and
14. Second division vehicles registered for a gross weight of 8,000 pounds or less, except when such second division motor vehicles pull or draw a trailer, semi-trailer or pole trailer having a gross weight of or registered for a gross weight of more than 8,000 pounds and except for motor buses, religious organization buses, school buses, senior citizen transportation vehicles, medical transport vehicles and tow trucks.

**10-1-3-6:**

**AUTHORITY TO RESTRICT USE OF STREETS**

When the Village Director of Public Works finds that because of deterioration, rain, snow and other climatic conditions certain streets in the Village will be seriously damaged or destroyed by the use of certain vehicles thereon, he/she shall be authorized to prohibit the operation of those certain vehicles on said streets for a period not to exceed ninety (90) days in one calendar year and shall be authorized to erect and cause to be maintained signs so designating this prohibition on each end of that portion of any street affected thereby. This prohibition shall not be effective unless and until such signs are erected and maintained. Variances to this Section may be granted by the Village Manager or his/her designate to accommodate service trucks upon request.

**10-1-4:**

**SNOWMOBILES AND ALL-TERRAIN VEHICLES**

In addition to the laws governing the operation of snowmobiles and all-terrain vehicles in the

Illinois Vehicle Code, the following regulations apply to the operation of snowmobiles and all-terrain vehicles in the Village:

- A. It is unlawful to operate a snowmobile or any all-terrain vehicle anywhere in the Village, including the frozen surface of all public waters; provided, however, that it is lawful to operate a snowmobile or all-terrain vehicle on private property between the hours of nine o'clock (9:00) a.m. and six o'clock (6:00) p.m.
- B. It shall be unlawful for any person to drive or operate any snowmobile or all-terrain vehicle in the Village as provided for herein in the following ways:
  - 1. In a careless, reckless or negligent manner.
  - 2. While under the influence of intoxicating beverages, cannabis or any controlled substance.
  - 3. On private property, without first obtaining the written or verbal consent of the owner or lessee thereof: Any person operating a snowmobile or all-terrain vehicle upon lands of another shall stop and identify himself upon the request of the landowner, and shall promptly remove the snowmobile or all-terrain vehicle from the premises if so requested.
- C. Every snowmobile or all-terrain vehicle driven or operated within the Village shall at all times be equipped with an adequate muffler or sound suppression system in constant operation and properly maintained to prevent any excessive or unusual noise.

**10-1-5: PARKING REGULATIONS**

**10-1-5-1: GENERAL PARKING RESTRICTIONS**

- A. Limited Parking: It shall be unlawful for the driver of any vehicle to park in a limited parking zone longer than the time designated by official signs.
- B. Night and Winter Parking, Restricted Hours: It shall be unlawful for the driver of any vehicle to park said vehicle, or for the owner of said vehicle to permit said vehicle to be parked on any street in the Village between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. of any day, or at any time after snow begins to fall if the snow on the streets exceeds one inch (1") in depth and for a period of eight (8) hours after snow stops falling,; provided, that said eight (8) hour parking restriction shall continue during snow removal operations until completed.
- C. Parking Near School Grounds: It shall be unlawful for any person in charge of any motor vehicle to park the same or to allow the same to stand for more than a period of thirty (30) minutes upon any public highway within the Village at a distance nearer than one hundred feet (100') from any part of any school grounds or school premises which are being used for school purposes at any time between the hours of eight o'clock (8:00) a.m. and four thirty o'clock (4:30) p.m. upon any day on which a school session is being held in, about, or upon such grounds or premises.
- D. Parking for Sale, Display: It shall be unlawful for any person to park a motor vehicle or any other article for the purposes of selling, displaying, or repairing said motor vehicle, or any other article, or to sell any item from said motor vehicle or any other article, on any street or highway within the Village.
- E. Parking on Private Property: It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

- F. Non-Designated Parking Area: No vehicle shall be parked in a non-designated space within the traveled portion of a parking aisle, or in such a manner that the vehicle creates an obstruction and/or impedes the smooth, safe, and steady flow of traffic.
- G. Manner of Parking: Vehicles parked or stored in any parking area shall be parked within the marked lines whenever the marked lines are provided as designation of parking spaces.

**10-1-5-2: RECREATIONAL VEHICLE PARKING REGULATIONS**

- A. Prohibited Parking: Outdoor parking of recreational vehicles is prohibited in residentially zoned districts except as allowed by subsection B hereof.
- B. Permitted Parking: One (1) Recreational Vehicle may be parked outdoors on a lot located in a residential zoning district, subject to the following conditions:
  - 1. The Recreational Vehicle shall be parked in an interior side yard of a lot, on a paved surface, compacted surface, or impervious surface, provided that no part of the Recreational Vehicle projects beyond the predominant front plane or rear plane of any residence or garage to which it is immediately adjacent on said lot.
  - 2. The Recreational Vehicle may be parked in a required interior side yard but shall be parked no less than ten feet (10) from any interior side lot line.
  - 3. The Recreational Vehicle shall be parked in such a manner as to be properly and fully screened from adjoining properties, excluding the right-of-way, as viewed at a height of six feet (6) from the prevailing grade level of said adjoining properties. For purposes of this Section, proper and full screening shall consist of any vegetation which is sufficiently tall and dense at any time when said vehicle is parked on the lot to materially screen the view of said vehicle.
- C. Recreational Vehicles may be parked in a residence district temporarily for a period not to exceed seven (7) days solely for the purposes of loading or unloading or maintaining said vehicles. The owner seeking to temporarily park said Recreational Vehicle must notify and receive the permission of the Chief of Police or his designated agent prior to the parking of said vehicle.
- D. Short term visitor's parking:
  - 1. The Chief of Police may issue a permission allowing a recreational or commercial vehicle to be parked on a private driveway in a residence district for a period not to exceed fourteen (14) days; provided, however, that the vehicle owner agrees to maintain the vehicle in such a fashion as to avoid interfering with regular vehicular traffic or the enjoyment of adjoining residential dwellings.
  - 2. A decision of the Chief of Police to deny a permit requested pursuant to paragraph 1 may be appealed by the applicant directly to the Village Board of Trustees who shall, as soon as practicable, hold a hearing thereon and issue a written decision affirming or reversing said denial.
- E. Exceptions – This section shall not apply to licensed and registered antique or handicapped automobiles.

**10-1-5-3: PERMITTED SECOND DIVISION VEHICLES IN RESIDENTIAL AREAS**

One second division vehicle, as defined above, may be parked in the driveway in a residential district subject, however, to the following conditions:

- A. That the vehicle shall be privately owned and operated exclusively for family use in that it shall not be operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, including "for hire" and "not-for-hire".
- B. That the vehicle shall be registered to a member of the family at the residence address and shall display both State and Village registration.
- C. That the licensing classification of the vehicle shall not exceed the "B" classification as set forth in Section 3-815 of The Illinois Vehicle Code.
- D. That the vehicle shall not have painted or mounted thereon any advertising, identifying symbols, lettering, logos or other identification, including magnetic or any other type of signs.
- E. That only one such vehicle shall be parked in a driveway at any one time.
- F. That there shall not be any cargo or debris stored in the bed area of said vehicle at any time when the vehicle is parked in the driveway.

**10-1-5-4: COMMERCIAL VEHICLE PARKING REGULATIONS**

- A. Prohibited Parking: Outdoor parking of Commercial Vehicles is prohibited in residentially zoned districts except in the manner described in this Section.
- B. Commercial vehicles may be parked in a residence district temporarily for a period not to exceed seven (7) days solely for the purposes of loading or unloading or maintaining said vehicles. The owner seeking to temporarily park said Commercial Vehicle must notify and receive the permission of the Chief of Police or his designated agent prior to the parking of said vehicle.
- C. At any time, only one Vehicle which bears Class B license plates, but which does not qualify as a Commercial Vehicle for the purpose of this Title, shall be permitted to be parked outdoors on a lot located in a residential district, provided that it shall be prohibited when such vehicle contains cargo or debris stored in the bed area of said vehicle. The Chief of Police may, upon written application, issue a permit to the owner of a residential lot allowing for a second Vehicle of such type to be parked on said lot for a period of not to exceed fourteen (14) days; provided that the grantee agrees to maintain the Vehicle in such fashion so as to avoid interfering with regular vehicular traffic or the enjoyment of adjoining residential dwellings.
- D. Notwithstanding the other provisions of this Section, the outdoor parking of Commercial Vehicles in a residence district is permitted between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. daily without permission, allowing for Commercial Vehicles being operated by persons providing services to residents. Between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. daily, when commercial services are required to be provided on an emergency basis, the outdoor parking of Commercial Vehicles in a residence district shall be permitted only during such time while the emergency services are being performed.

**10-1-5-5: PARKING FOR PERSONS WITH DISABILITIES**

- A. It is prohibited to park any motor vehicle which is not properly displaying registration plates, device, or decals issued to a person with disabilities or to a disabled veteran as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran in any parking place, specifically reserved by the posting of an official sign for disabled parking.



- B. It is also prohibited to park any motor vehicle in a designated access aisle adjacent to any parking space specifically reserved for disabled parking which has been posted with an official sign and marked.
- C. In parking in a disabled spot, the parking decal or device must be properly displayed in the vehicle where it is clearly visible to law enforcement personnel either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear sight or the registration plates must be properly displayed.
- D. It shall be unlawful to plow or deposit or cause to be plowed or deposited snow in a manner causing or creating an obstruction of any parking spaces designated for disabled parking, areas associated with disabled parking, and accessible routes to and from the disabled parking as defined in the Illinois Accessibility Code.

**10-1-6: ABANDONED, INOPERABLE VEHICLES**

**10-1-6-1: ABANDONMENT OF VEHICLES PROHIBITED**

- A. No person shall leave an abandoned vehicle on any street, highway, or other public or private property within the Village.
- B. No person shall allow and inoperable or unlicensed vehicle to remain on public property or in plain view of the general public on private property within the Village.
- C. Any vehicle found in an inoperable, abandoned or disabled state within the Village shall be cited for a violation of this section and subject to fines set forth in the Comprehensive Fine Schedule of the Code described in Section 1-17-11. Every day the vehicle remains in such condition will constitute a subsequent violation and therefore be issued an additional citation for the violation.
- D. When an abandoned, lost, stolen, or unclaimed vehicle located on private property comes into the temporary possession or custody of a person not the owner of the vehicle, such person shall immediately notify the Lincolnshire Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Police Department shall inspect the abandoned, lost, stolen or unclaimed vehicle. If the Police Department determines that the vehicle is of evidentiary value it will order a towing of the vehicle. Otherwise, the Village is not responsible for the towing of the vehicle from the private property.

**10-1-6-2: AUTHORIZATION FOR TOWING**

- A. Vehicles which create a hazardous condition on any highway may be towed without prior notice. When a motor 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 shall be authorized by the Police Department.
- B. Abandoned, inoperable, or unlicensed vehicles which do not create a hazardous condition on any highway may be towed only after the mailing or personal delivery of prior notice and the affording of an opportunity for an administrative hearing as provided in Section 10-1-6-3 of this Chapter.
- C. The towing of vehicles at the direction of the Police Department shall be conducted by a towing service approved by the Chief of Police.
- D. Towed vehicles shall be impounded at a storage facility provided by the service which towed the

vehicle until lawfully claimed or disposed of pursuant to State law, 625 Illinois Compiled Statutes, as amended.

- E. When the Police Department directs the removal of any vehicle from either public or private property, the owner of the vehicle will be responsible for all towing and storage charges.

**10-1-6-3: PRE-TOW NOTIFICATION**

- A. Following citation for a violation of this Section under 10-1-6-1, pre-tow notifications shall be personally delivered to the owner or shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the vehicle as indicated on the most current registration. The pre-tow notification will indicate the date, time and location of a scheduled administrative hearing regarding the vehicle found to be in violation.
- B. An administrative hearing will take place in accordance with Title 1, Chapter 18 Administrative Adjudication, of the Village Code.
- C. The inoperable, abandoned, or unlicensed vehicle may not be towed without authorization from the Hearing Officer at the time of the administrative hearing.
- D. The owner of said vehicle may avoid the towing by immediately removing the vehicle from the improper location to a proper, lawful location.

**10-1-6-4: POST-TOW NOTIFICATION**

- A. Following the impoundment of a vehicle at the direction of the Police Department due to an immediate hazard or at the direction of a Hearing Officer due to a default judgement in an administrative hearing, a notification shall be made to owner of the towed vehicle.
- B. The post-tow notification shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the vehicle as indicated on the most current registration, unless the notice is personally delivered to the owner, in which case, the date and time of the delivery and the name of the officer making the delivery shall be noted in the Police Department records or reports.
  - 1. Notification shall be sent no later than three (3) business days after the date the Police Department impounds or authorizes the impounding of a vehicle, provided that if the Police Department is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a ten (10) business-day period after impoundment, then notification shall be sent no later than two (2) days after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined.
  - 2. The notice must include information indicating the opportunity and procedures for a hearing to contest the validity of a vehicle impoundment as provided in Title 1, Chapter 18, Administrative Adjudication of the Village Code.

**10-1-6-5: RECLAIMED VEHICLE PROCEDURE**

- A. Any time before a motor vehicle or other vehicle is sold at public sale or disposed, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle.
- B. The owner or other person entitled to possession of any impounded vehicle shall furnish evidence

of his/her identity, proof of ownership, and his/her right to possession, sign a receipt for the vehicle, and pay the amount owed for any administrative fees unless the Hearing Officer finds the vehicle should not have been towed.

- C. Any towing and storage fees owed to the towing service operator are separate to those fines owed to the Village and are the responsibility of the owner as outlined in Section 10-1-6-2E of this Chapter.
- D. When a vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, 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 Police Department for a period of time as prescribed by the Village's Record Destruction Schedule.
- E. Any motor vehicle that is not claimed within sixty (60) days after the tow and impoundment shall be considered an unclaimed vehicle and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles by 625 ILCS 5/409.

**10-1-6-6: LIABILITY**

The Police Department, its officers and the 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, lienholders 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 Title.

**10-1-7: VEHICLE SEIZURE**

**10-1-7-1: USE OF MOTOR VEHICLES FOR UNLAWFUL PURPOSES**

The operator of a motor vehicle that is used in connection with the following violations, shall be liable to the Village for an administrative penalty in an amount not to exceed five hundred dollars (\$500.00), in addition to any towing and storage fees as hereinafter provided:

- A. Driving under the influence of alcohol, drugs, or intoxicating compounds, or any combination thereof, in violation of section 11-501 of the Illinois Vehicle Code, as amended.
- B. Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked, in violation of section 6-303 for an original offense of driving under the influence of alcohol, drugs, or intoxicating compounds, or any combination thereof, in violation of section 11-501 of the Illinois vehicle code, as amended, pursuant to Illinois Secretary of State action.
- C. Operation or use of a motor vehicle in the commission of, or in attempt to commit, a felony as defined in the Illinois criminal code of 1961.
- D. Operation or use of motor vehicle by a person against whom a warrant has been issued by a judge for an original felony offense.
- E. 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 Illinois Criminal Code of 1961, as amended.

**10-1-7-2: SEIZURE AND IMPOUNDMENT**

- A. Whenever a Police Officer has reason to believe that a vehicle is subject to seizure and

impoundment pursuant to Section 10-1-7-1, the Police Officer shall provide for the towing of the vehicle to a licensed tow facility approved by the Chief of Police.

- B. Said vehicle shall be impounded pending the completion of the hearings provided for herein, unless the owner of the vehicle posts with the Village a cash bond equivalent to the applicable administrative penalty, as set forth above, to secure the release of the vehicle and pays the towing and storage fees.
- C. An administrative hearing to determine whether the seizure and impoundment are appropriate and will be scheduled within forty-five (45) days.
- D. The police shall provide written notice within 5 days of the seizure and impoundment to the registered owner or lessee of the unlawful vehicle. If the unlawful vehicle is not registered, notice shall be sent to the most recent owner of record at the most recent address by first class mail. The notice shall state the following:
  - 1. A description of the vehicle, the date the vehicle was seized and impounded, the reason(s) therefore, and the location of the impounded vehicle.
  - 2. The date, time, and location of the administrative hearing.
  - 3. That the hearing shall be conducted within forty-five (45) days of the date of the seizure, tow, and impoundment.
  - 4. That the failure to appear at the hearing shall result in a finding of liability to the Village of Lincolnshire for the applicable administrative penalty.
  - 5. The unlawful vehicle may be released upon the owner posting with the Village the applicable bond pursuant to this Section.
- E. An owner of a vehicle used for unlawful purposes may secure the release of their vehicle by posting a cash bond with the Village of Lincolnshire and the payment of all towing and storage charges. Vehicles that are held as evidence or subject to Article 36 of the Illinois Criminal Code seizures may not be released upon posting of bond. Owners of vehicles subject to Article 36 may request a preliminary hearing:
  - 1. The owner of the vehicle may file a written request for a preliminary hearing, prior to the administrative hearing, within forty-eight (48) hours of the seizure, excluding holidays and weekends.
  - 2. The Chief of Police or his designee shall conduct the preliminary hearing within forty-eight (48) hours after receipt of the request, excluding weekends and holidays.
  - 3. The preliminary hearing shall be informal, not subject to the formal rules of evidence, and may be conducted over the phone.
  - 4. If, after the preliminary hearing, the Chief of Police or his designee determines that there was probable cause for the seizure and impoundment of the vehicle, he/she shall order the continued impoundment of the vehicle as provided in this Section unless the cash bond is posted. A finding of probable cause at a preliminary hearing shall not waive the right of a vehicle owner to an administrative hearing.

5. If there is a determination that there is no probable cause, the vehicle shall be released without fees or towing or storage costs.

F. The owner of a vehicle that has been stolen and subject to seizure and impoundment under this Section, shall not be liable for any administrative penalty.

**10-1-7-3: ADMINISTRATIVE HEARING**

A. A hearing on the lawfulness of the impoundment shall be conducted in conjunction with the Administrative Adjudication section 1-18 of the Village Code.

B. Any sworn or affirmed report that is prepared in the performance of a law enforcement officer's duties and sufficiently describes the circumstances leading to the seizure and impoundment shall be admissible prima facie evidence of probable cause and the vehicle owner's liability, unless rebutted by clear and convincing evidence.

C. If after the hearing, the Hearing Officer finds that the vehicle was properly subject to seizure, tow, and impoundment under the terms of this Section, the Hearing Officer may enter a written order finding the owner of the vehicle civilly liable to the Village of Lincolnshire for the administrative penalty herein described.

D. If the owner of the vehicle fails to appear at the hearing, the Hearing Officer may enter a default order for the amount of the administrative penalty against the owner.

E. If after the hearing, the Hearing Officer finds that there was no probable cause to determine the vehicle was subject to seizure and impoundment, the owner may secure the release of the vehicle without the payment of any tow or storage fees.

F. Any cash bond posted to secure the release of the vehicle shall be applied to the any assigned penalty.

G. Any vehicle still impounded after the administrative hearing, may not be released before the payment of the appropriate administrative penalty.

**10-1-7-4: ADMINISTRATIVE PENALTY A DEBT**

Any administrative fine imposed upon an owner shall constitute a debt due and owing to the Village. If the owner has not posted bond to pay the administrative penalty, the owner has thirty (30) days to pay the debt. The Village may seek to obtain a judgement on the debt and collection of the judgement in any manner provided by law.

**10-1-7-5: UNCLAIMED VEHICLES**

Any motor vehicle that is not claimed within sixty (60) days after the seizure and impoundment shall be considered an unclaimed vehicle and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles.

**10-1-8: PENALTY**

Any violation of the provisions of the Illinois Vehicle Code shall hereinafter be considered a violation of this Chapter and each such violation shall subject the violator thereof to the penalty provisions provided in the Illinois Vehicle Code or where superseded by the Comprehensive Fine/Penalty Schedule in Chapter 17, of Title 1 of this Code.