



CHAMPAIGN COUNTY BOARD COMMITTEE AGENDA

HIGHWAY & TRANSPORTATION

Friday, September 9, 2005 – 9:00 a.m.

Meeting Room 1, Brookens Administrative Center

1776 E. Washington – Urbana

CHAIR: Cowart

MEMBERS: Bensyl, Carter, Feinen, Gross, Jay, Langenheim, O'Connor, Weibel

	<u>AGENDA</u>	<u>PAGE NO.</u>
1.	<u>Call to Order</u>	
2.	<u>Approval of Agenda/Addendum</u>	
3.	<u>Approval of Minutes</u> – August 5, 2005	1-5
4.	<u>Public Participation</u>	
5.	<u>Monthly Reports</u>	
	A. County & Township Motor Fuel Tax Claims – August 2005	6-7
6.	<u>County Engineer</u>	
	A. Resolution appropriating \$1,750.00 from County Motor Fuel Tax Funds for Champaign County's share of the CUUATS Greenways Plan Implementation – Section #05-00000-01-ES.	8
	B. Highway Maintenance Facility Discussion	
	C. Towing Ordinance	9-22
	D. Project Update	
7.	<u>Other Business</u>	
	A. November & December Highway Committee meeting dates	
8.	<u>Determination of Consent Agenda Items</u>	
9.	<u>Adjournment</u>	

CHAMPAIGN COUNTY BOARD COMMITTEE MINUTES

Highway & Transportation

August 5, 2005 – 9:00 a.m.

Meeting Room 1

Brookens Administrative Center

MEMBERS PRESENT: Cowart (chair), Carter, Feinen, Jay, Langenheim, O'Connor, Weibel

MEMBERS ABSENT: Bensyl, Gross

OTHERS PRESENT: Jeff Blue, Tracy Wingler, Debby Wagner, Barb Wysocki, Chris Doenitz, Rick Wolken, Marvin Johnson

Call to Order

Chair Cowart called the meeting to order at 9:01 a.m. A roll call confirmed a quorum present.

Approval of Agenda/Addendum

MOTION by Jay to approve the agenda; seconded by Weibel. There was no addendum for the meeting. **Motion carried.**

Approval of Minutes – June 10, 2005

MOTION by Langenheim to approve the minutes of June 10, 2005 as presented; seconded by Carter. **Motion carried.**

Public Participation

There was no public participation

Monthly Reports

County & Township Motor Fuel Tax Claims – June 2005, July 2005

MOTION by Jay to receive and place on the file the County & Township Motor Fuel Tax Claims for June 2005 and July 2005; seconded by Weibel. **Motion carried.**

County Engineer

Resolution deleting County Highway 25 (Staley Road) from Curtis Road northerly to Illinois Route 10

Mr. Blue explained the reason for this resolution is an agreement with the City of Champaign where by when Staley Road is complete they will take over the 3 mile piece from Curtis Road to Springfield. This resolution will delete this roadway from the County highway system and the City will be passing ordinance accepting it into their system. We will still have Staley Road from Curtis to Monticello Road.

MOTION by Jay to recommend County Board approval of the Resolution deleting County Highway 25 (Staley Road) from Curtis Road northerly to Illinois Route 10; seconded by O'Connor. **Motion carried.**

Petition for Bridge Repair – Philo Township

Mr. Blue explained the bridge in question needs to be repaired and stabilized, the work will be contracted out and his estimated cost is about \$7,700.00.

MOTION by Carter to recommend County Board approval of the Petition Requesting and Resolution Approving appropriation of funds from the County Bridge fund pursuant to 605 ILCS 5/5-501 for Philo Township; seconded by Jay. **Motion carried.**

Maintenance Facility Update

Mr. Blue informed the committee they met with the A/E team last week to review programming issues from storage to offices, they also viewed the DeKalb County Highway Facility and the MTD Facility. They invited all maintenance employees, mechanics, engineers and support staff to each of the meetings which produced a space needs program similar to what he had done for the County Board during early discussions. Through that space needs study we came up with a ball park square footage for the size of the building based on our needs; his original study showed 49,000 square feet and when done with the A/E firm the study showed 47,000 square feet. He explained the building has not ballooned, it is still very similar to what we started out with. He does not know exactly what the building will cost but using the standard \$100.000 per square foot you have 4.7 million dollars meaning we are still in the ballpark of the original 5 million dollar number, the Architects will add a 13% contingency taking the project budget closer to 6 million. The maintenance area, which came out to be very similar to his original program, has 5 maintenance bays, if in the future we wanted to contract with someone we will have enough space to do work on other vehicles although they haven't included storage space for any other entities at this time.

County Engineer Cont.

The architects will be coming back the end of this month when we will go through the process of putting together a layout of the building determining where things will be, after that charette is put together and we have a basic footprint of the building there is a meeting scheduled with the original group of the cities. At that time both the City of Urbana and the City of Champaign should be coming back with their updated space needs study and with all of our information, we will be able to talk about possibilities.

Mr. Blue explained there will be staging areas outside for cars to be parked while they are waiting to be worked on. The majority of our trucks will be inside; we are not building a small building to house just a few pieces of equipment. The building is only 1 acre on a 3 acre area so there are 2 acres for outside parking.

Illinois Major Bridge Funding Award

Mr. Blue explained that he applied for an Illinois Major Bridge funding grant through IDOT. This was a federal grant for a large 3 span bridge, 4 miles north of Penfield that is about 217 feet long over the vermilion river and is in poor structural condition. He received a grant for \$960,000 to replace that bridge which will be built in 2010. It is an 80/20 split with our cost being about \$250,000, the original estimate for the bridge alone was about 1.4 million.

Project Update

Mr. Blue stated for the most part Staley road is complete, the City of Champaign is happy with the construction and willing to take over before the contract is complete. We are still responsible for making sure the contract is completed even though we will have given the road back to the city. On the County Road 9 project, they did foam base stabilization on 4 miles and they are getting ready to seal coat. Of the remaining 5 miles, 3 miles of it was an old asphalt road which they are working on. On the other 2 miles they have run into some base problems so they have had to go back in and do some stabilization of the base. The original estimate was 1.7 million, the bid was 1.2 million so he believes the cost will be somewhere in that range when all is done.

Fringe Road Discussion

Mr. Blue explained that since the last meeting, they have met with the Cities to talk about the million dollar commitment we have made to fringe roads. They understand where we are coming from, they don't like it but we anticipated that. They believe our priority should be their roads and we believe otherwise. There is another meeting that will be scheduled in the future, they have our original resolution and stated they would get back to us.

County Engineer Cont.

Mr. Blue stated the Federal Transportation bill has been approved; it is a 6 year bill going back 2 years from 2004-2010. There was some high priority project money in that bill of which we requested 7 million for the Curtis Road project, we are receiving 5 million. That money, which he had counted on, is scheduled to be used for the second phase of Curtis road from Duncan east to just short of First Street.

Other Business

Semi-Annual Review of Closed Session Minutes

MOTION by Carter to open all closed session minutes. Motion failed for lack of seconder.

Ms. Feinen stated she disagrees with the motion stating the new minutes contain personnel information from the County Engineer search committee and need to remain closed.

MOTION by Feinen that all 2004 minutes directly relating to the hiring subcommittee remain closed with discussion of the other minutes; motion failed for lack of a seconder.

Mr. O' Connor asked why our only option is to open the minutes or keep them as closed. He questioned if there will be a time we can shred selection committee minutes pertaining to people who were not hired.

Mr. Fletcher entered the meeting and informed the committee that because the minutes relate to collective bargaining matters, he cannot recommend opening them although ultimately it is the committee's decision.

MOTION by Jay to maintain all closed session minutes as closed; seconded by Langenheim.

Mr. Fletcher stated under the open meetings act we have to keep these minutes.

Mr. Langenheim stated this is the public's business and it should be available to them at some point. He stated we should open as much of this as soon as possible.

Mr. Fletcher explained that as a general rule we don't disclose minutes dealing with collective bargaining matters or selection of personnel to maintain an environment in the selection process where people can make their decisions without worrying about damaging people's professional reputations. We are always careful to keep our collective bargaining matters confidential because of the need to preserve our status in negotiations.

Other Business Cont.

Ms. Feinen stated she agrees that as much that can be made public, should be and in the past they have opened closed session minutes. With respect to personnel issues, she doesn't believe those should be open; it would be unfair to take search committee notes and make them public when we had local people apply. When you are talking about employee issues it is really not appropriate for the public.

Motion carried.

Determination of Consent Agenda Items

Committee consensus to include items 6 A & B on the County Board consent agenda.

Adjournment

Chair Cowart declared the meeting adjourned at 9:47 a.m.

Respectfully Submitted,

Tiffany Talbott
Administrative Secretary

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

(217) 384-3800
FAX (217) 328-5148

1776 E. WASHINGTON

URBANA, ILLINOIS 61802

September 9, 2005

COUNTY MOTOR FUEL TAX CLAIMS FOR AUGUST

Req No.	Payee	Description	Amount
61	Varsity Striping & Construction	Pay Estimate #2 - Pavement Striping Section #05-00000-01-GM	47,000.00
62	Allied Municipal Supply	Delineators	208.00
63	Champaign Asphalt Company	Pay Estimate #1 - CH. 9 (Ludlow Road) Section #05-00398-00-RS	315,000.00
64	Clark Dietz, Inc.	Engineering Fees - Final - CH. 25 (Staley Road) - #00-00382-00-WR	792.90
			\$ 363,000.90

TOWNSHIP MOTOR FUEL TAX CLAIMS FOR AUGUST

Req No.	Payee	Description	Amount
154	Emulsicoat, Inc	Sadorus- 36,312 Gal HFRS-2	28,141.82
155	Woodworth & Sons	Sadorus- 39,612 Gal HFRS-2, hauled	1,544.88
156	Illiana Construction CO.	Sadorus- 36,312 Gal HFRS-2, spread - 1,090 TN Aggregate, spread	7,154.00
157	Illiana Construction CO.	Newcomb- 3,338 Gal oil, hauled Raymond- 4,464 Gal oil, hauled Ogden- 2,883 Gal oil, hauled S. Homer- 3,436 Gal oil, hauled	550.73
158	Apcon Group	Condit- 8.58 TN Cold Mix	283.14
159	Emulsicoat, Inc	Philo- 11,326 Gal SC-3000 - 5,269 Gal MC-30	19,798.27
160	Emulsicoat, Inc	S. Homer- 9,310 Gal HFRS-2 - 4,208 Gal MC-30	12,896.05
161	Woodworth & Sons	S. Homer- 10,082 G HFRS-2 & MC-30, hauled	393.20
162	Emulsicoat, Inc	Tolono- 14,427 Gal HFE-90	11,180.93
163	Woodworth & Sons	Tolono- 11,127 Gal HFE-90, hauled	433.95
164	Woodworth & Sons	Ogden- 5,700 Gal HFR-2, hauled	222.30
165	Material Service Corp	Champaign- 944.47 TN CM-16	7,602.99
166	Emulsicoat, Inc	Brown- 42,669 Gal HFRS-2	33,068.49
167	Apcon Group	Brown- 24.35 Ton Cold Mic	803.55
168	Illiana Construction CO.	Brown- 42,669 Gal HFRS-2, spread - 3,401 Gal HFRS-2, hauled	4,399.54
169	Woodworth & Sons	Brown- 39,268 Gal HFRS-2, hauled	1,531.46
170	Emulsicoat, Inc	E. Bend- 52,064 Gal HFRS-2	40,349.62
171	Woodworth & Sons	E. Bend- 55,465 Gal HFRS-2, hauled	2,163.12
172	Illiana Construction CO.	E. Bend- 52,365 Gal HFRS-2 & prime, spread	

		- 1,565 Ton Aggregate, spread	10,358.35
173	Emulsicoat, Inc	Crittenden- 12,872 Gal HFRS-2	
		- 6,334 Gal MC-30	16,906.71
174	Woodworth & Sons	Crittenden- 17,463 Gal Oil & Prime, hauled	681.06
175	Tuscola Stone Company	Crittenden- 2,019.31 Ton CA-14	16,053.50
176	Material Service Corp	Somer- 502.18 Ton CM-16	4,042.55
177	Grove Trucking	Somer- 502.18 Ton CM-16, hauled	1,129.91
178	Grove Trucking	Crittenden, 2019.24 Ton CA-14, hauled	3,028.86
179	Illiana Construction CO.	Brown- 1,280 Ton Aggregate, spread	4,288.00
180	Material Service Corp	Stanton- 506.06 Ton CA-6/10	3,314.71
181	Material Service Corp	St Joseph- 820.58 Ton CM-16	6,605.68
182	Grove Trucking	Stanton- 506.06 Ton CA-6/10, hauled	860.30
183	Grove Trucking	St Joseph- 820.58 Ton CM-16, hauled	1,107.78
184	Material Service Corp	Rantoul- 344.38 Ton CM-16	2,772.27
185	Condit Road District	Equipment Rental for 167 hrs	7,279.89
186	Emulsicoat, Inc	Condit- 50,471 Gal HFRS-2	
		- 800 Gal MC-30	40,195.06
187	Woodworth & Sons	Condit- 50,224 Gal HFRS-2, hauled	1,958.75
188	Illiana Construction CO.	Condit- 50,471 Gal HFRS-2, spread	
		- 800 Gal MC-30, spread	
		- 1,515 Ton Aggregate, spread	10,233.55
189	Emulsicoat, Inc	Compromise- 10,623 Gal HFRS-2	
		- 2,573 Gal MC-30	11,706.38
190	Woodworth & Sons	Compromise- 5,343 Gal HFRS-2, hauled	208.38
191	Emulsicoat, Inc	Ludlow- 55,758 Gal HFRS-2	43,212.48
192	Woodworth & Sons	Ludlow- 55,758 Gal HFRS-2, hauled	2,174.57
193	Emulsicoat, Inc	Ogden- 32,680 Gal HFRS-2	25,327.02
194	Woodworth & Sons	Ogden- 45,311 Gal HFRS-2, hauled	1,767.12
195	Material Service Corp	Rantoul- 68.76 Ton CM-16	553.52
196	Emulsicoat, Inc	Colfax- 21,136 Gal HFRS-2	
		- 453.14 Gal SC-3000	16,887.92
197	Grove Trucking	413.14 Ton CM-16, hauled	1,218.76
198	Emulsicoat, Inc	Ogden- 18,855 gal HFRS-2	14,612.63

\$421,003.75

RESOLUTION NO. _____

RESOLUTION APPROPRIATING \$1,750.00 FROM
COUNTY MOTOR FUEL TAX FUNDS FOR
CHAMPAIGN COUNTY'S SHARE OF THE
CUUATS GREENWAYS PLAN IMPLEMENTATION
SECTION #05-00000-01-ES

WHEREAS, the County Board of Champaign County is desirous of entering into a contract to have the following study performed under the Illinois Highway Code, designated at Section #05-00000-01-ES:

CUUATS GREENWAYS PLAN IMPLEMENTATION, and

WHEREAS, the proposed study consists of the County of Champaign's annual contribution to the Champaign County Regional Planning Commission and its share of funding the above mentioned study.

NOW, THEREFORE, BE IT RESOLVED, that there is hereby appropriated the sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) from County Motor Fuel Tax Funds for the County's share, and

BE IT FURTHER RESOLVED, that the County Clerk be and he is hereby directed to transmit two (2) certified copies of this resolution to Mr. Joseph E. Crowe, District Engineer, Illinois Department of Transportation, Paris, Illinois.

PRESENTED, ADOPTED, APPROVED and RECORDED this 22nd day of August A.D., 2005.

Barbara Wysocki, Chair
County Board of the County
of Champaign, Illinois

ATTEST: _____
Mark Shelden, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

ORDINANCE NO. _____

WHEREAS, the County of Champaign has the obligation to maintain its roads and highways pursuant to 605 ILCS 5/6-201.7, and

WHEREAS, the County of Champaign desires to be able to regularly maintain its roads and highways to ensure the safety of the traveling public, and

WHEREAS, the County of Champaign desires to be able to address any issue related to its roads and highways which pose an immediate threat to the public's health, safety and welfare, and

WHEREAS, the County of Champaign deems it to be in the public and interest and for the public good to enact this ordinance;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Board of Champaign County, Illinois that Ordinance _____ be enacted, effective immediately, as follows:

1. Definition of Words and Phrases

(a) The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this ordinance, except when the context otherwise requires.

(b) Whenever any words and phrases used herein are not defined herein but are defined in the State of Illinois laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein except when the context otherwise requires.

Abandoned vehicle. A motor vehicle or other vehicle located on a County highway or other County road that has not been moved or used for seventy-two (72) consecutive hours or more and is apparently deserted; or any motor vehicle or other vehicle located on a County highway or County road that has not been moved or used for more than seventy-two (72) consecutive hours; or a motor vehicle or other vehicle located on a County road or County highway which lacks current, legal registration; or a motor vehicle or other vehicle which has a removed or destroyed or otherwise defaced VIN plate or identifiers required by law.

County. The County of Champaign, Illinois.

Hearing Officer. The County Highway Superintendent or the designee thereof, which said designee may include a designated employee of the Champaign County Highway Superintendent.

Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is opened for the use of the public for purposes of vehicular traffic.

Illinois Vehicle Code. The Illinois Vehicle Code (625 ILCS 5/101 *et seq.*), as supplemented and amended.

Inoperable vehicle. 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 treated so that the vehicle is incapable of being driven under its own motor power. Inoperable vehicle shall also mean any motor vehicle or other vehicle which is not in working order ("working order" shall mean the vehicle is equipped and contains those parts in proper condition and adjustment necessary for its mechanical operation and also is equipped and contains such lamps, brakes, mirrors, windshields, and other equipment in proper condition and adjustment as required by the Illinois Vehicle Code *et seq.* as now or hereafter amended, it being declared and determined that such inoperable vehicles are a nuisance and hazardous to the public safety because of such condition.)

Inoperable motor vehicle is not any motor vehicle that is kept within a building when not in use, nor an operable historic vehicle over twenty-five (25) years of age, nor to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

Nuisance vehicle. Any vehicle that is covered by a tarpaulin or other covering obscuring reflective devices, while parked on a County road or County highway; or any vehicle which by its general state of deterioration poses an immediate threat to the public's health, safety and welfare, including but not limited to any vehicle which in its current state of disrepair causes any harmful materials or substances to be deposited upon a County road, e.g. glass, oil, transmission fluid, brake fluid; or is on blocks, jacks or otherwise poses an immediate threat to the public.

Person. Any person, firm, partnership, association, corporation, company or organization of any kind.

Police Officer. Every officer of the County Sheriff's Office or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Safe Travel Lane. A safe travel lane shall be defined as consisting of a width of 18 feet of roadway surface and a clear zone of six feet of unobstructed right of way on each side of the safe travel lane, as defined by the Illinois Department of Transportation Roads Manual.

Sheriff. The Sheriff of the County of Champaign, Illinois

County. County means Champaign County, Illinois.

2. Abandoned Vehicles.

(A) It shall be unlawful for any person to knowingly or intentionally abandon any motor vehicle, or to otherwise allow, permit or cause such vehicle to be or remain an abandoned vehicle under this Section on or near any County highway or County road in such a manner as to constitute an impediment to a safe travel lane.

(B) Notification shall be sent by the Champaign County Highway Department no later than ten (10) days after the date of the tow to the registered owner, lienholder, or other person legally entitled to such abandoned vehicle within one business day of ascertaining the last known address of the registered owner, lienholder or other person legally entitled to the vehicle as determined by the Illinois Secretary of State's office or the office of another state maintaining vehicle registration records. Notice shall be in the form set forth below:

NOTICE OF TOW
(ABANDONED VEHICLE)

DATE OF NOTICE:

NAME:

ADDRESS, CITY, STATE, ZIP CODE:

A vehicle described as:

Make:

Year:

Color:

License Plates (State and Year)

with registration plate number _____ is registered in your name with the State of _____. This vehicle was located at _____ and has been towed pursuant to County Ordinance _____, Section 2, which prohibits the abandonment of a motor vehicle on or near any County highway or County road in such a manner as to constitute an impediment to a safe travel lane. You may be charged with a violation of Ordinance _____ and subject to a potential fine of \$_____, which, if not paid as provided in the Ordinance, may be an additional amount of up to \$_____ for each day that such violation continues. In addition, the costs of towing and storage will be assessed against you.

If you wish to have a hearing on the question of whether your automobile was lawfully towed and impounded, and the fine and costs to which you may be subject, you may do so by submitting a written request for such hearing within six (6) days of the date of this notice to the Hearing Officer designated in this ordinance. You will be accorded a prompt hearing after receipt of your request for hearing. You should send a written

request for hearing, either typed or printed, for such hearing using the form set forth below:

**REQUEST FOR HEARING
ON NOTICE OF TOW (ABANDONED VEHICLE)**

TO: _____
_____ (Name & Address of Hearing Officer)

I, _____, of _____ (Address),
_____ (City, State, Zip Code) hereby request that the Hearing
Officer set a hearing on whether my car, _____
(make, model and year of vehicle), registration plate number _____, was
lawfully towed and impounded, and the fine and costs to which I may be subject.

Signature

(Typed or Printed Name)

If the Hearing Officer determines that the said automobile was not properly towed pursuant to this ordinance, the relocation service will be instructed to release said automobile without towing or impoundment charges, and you will not be subject to any fine or costs.

In the event the Hearing Officer does determine that the automobile was properly towed under this ordinance, then the relocation service shall maintain its lien on the said automobile, and you will be subject to fine and costs as provided by this ordinance.

If you do not wish to have a hearing, or fail to notify the Hearing Officer within six (6) days of the date of this notice of your request for a hearing, then your vehicle will be presumed to have been properly towed, and you will be responsible for paying the towing and impoundment charges for the vehicle. Additionally, you will be subject to fine and costs as provided by this ordinance.

You are advised that if you do not promptly claim this vehicle, it will be disposed of in accordance with this ordinance. The above described vehicle may be reclaimed at and will be released upon payment of all towing and storage charges.

3. Inoperable Vehicles.

(A) It shall be unlawful for any person to allow an inoperable vehicle to remain on or near any County highway or County road, for more than seventy-two (72) consecutive hours, it being declared and determined that such inoperable vehicles are a nuisance and hazardous to the public safety because of such condition.

(B) Notification shall be sent by the Champaign County Highway Department within twenty-four (24) hours of ascertaining the last known address of the registered owner, lienholder or other person legally entitled to the vehicle as determined by the Illinois Secretary of State's office or the office of another state maintaining vehicle registration records. Notice shall be in the form set forth below:

NOTICE TO REMOVE INOPERABLE VEHICLE

DATE OF NOTICE:

NAME:

ADDRESS, CITY, STATE, ZIP CODE:

A vehicle described as:

Make:

Year:

Color:

License Plates (State and Year):

with registration plate number _____ is registered in your name with the State of _____. This vehicle is located at _____ and is subject to being towed pursuant to County Ordinance _____, Section 3, which prohibits the parking on or near any County highway or County road of 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 treated so that the vehicle is incapable of being driven under its own motor power. You may be charged with a violation of Ordinance _____ and subject to a potential fine of \$_____, which, if not paid as provided in the Ordinance, may be an additional amount of up to \$_____ for each day that the violation continues. In addition, the cost of towing and storage will be assessed against you.

If you wish to have a hearing on the matter of whether the above described vehicle is subject to being towed under this Ordinance, and the fine and costs to which you may be subject, you must submit a written request for such a hearing within six (6) days of the date of this notice to the Hearing Officer designated in this ordinance. You will be accorded a prompt hearing after receipt of your request for hearing. You should send a written request for hearing, either typed or printed, for such hearing using the form set forth below:

**REQUEST FOR HEARING
ON NOTICE TO REMOVE INOPERABLE VEHICLE**

TO: _____
_____ (Name & Address of Hearing Officer)

I, _____, of _____ (Address),
_____ (City, State, Zip Code) hereby request that the Hearing
Officer set a hearing on whether my car, _____
(make, model and year of vehicle), registration plate number _____, is subject
to being towed under this Ordinance, *and the fine and costs to which I may be subject.*

Signature

(Typed or Printed Name)

If the Hearing Officer determines that the said automobile is not subject to being towed pursuant to this ordinance, the Notice will be dismissed, and you will not be subject to any fine or costs.

In the event the Hearing Officer does determine that the automobile is subject to being towed pursuant to this ordinance, then the Hearing Officer shall issue an order authorizing the towing of the said automobile within seventy-two hours of the said hearing, and you will be subject to fine and costs as provided by this ordinance.

If you do not wish to have a hearing, or fail to notify the Hearing Officer within six (6) days of the date of this notice of your request for a hearing, or if you do not move or remove the above described vehicle before such date, then your vehicle is subject to immediate towing as of such date, and you will be responsible for paying the towing and impoundment charges for the vehicle. Additionally, you will be subject to fine and costs as provided by this ordinance.

You are advised that if you do not promptly claim this vehicle after it is towed, it will be disposed of in accordance with this ordinance. The above described vehicle may be reclaimed at and will be released upon payment of all towing and storage charges.

4. Snow Routes.

(A) Parking any vehicle or allowing any vehicle to remain parked on any County highway or County road in such a manner as to impede the removal of snow from any County highway or County road is prohibited. The Champaign County Sheriff or his designee may order such a vehicle parked in violation of this Section to be towed by a towing service at the expense of the registered owner of any such vehicle.

(B) Notification shall be sent by the Champaign County Highway Department no later than ten (10) days after the date of the tow to the registered owner, lienholder, or other person legally entitled to such abandoned vehicle within one business day of ascertaining the last known address of the registered owner, lienholder or other person legally entitled to the vehicle as determined by the Illinois Secretary of State's office or the office of another state maintaining vehicle registration records. Notice shall be in the form set forth below:

NOTICE OF TOW
(SNOW ROUTE)

DATE OF NOTICE:

NAME:

ADDRESS, CITY, STATE, ZIP CODE:

A vehicle described as:

Make:

Year:

Color:

License Plates (State and Year)

with registration plate number _____ is registered in your name with the State of _____ . This vehicle was located at _____ and has been towed pursuant to County Ordinance _____, Section 4, which any person from parking a vehicle, or, if parked, to allow a vehicle to remain parked upon any of the County roads or highways in such a manner as to impede the removal of snow from any County highway or County road. You may be charged with a violation of Ordinance _____ and subject to a potential fine of \$_____, which, if not paid as provided in the Ordinance, may be an additional amount of up to \$_____ for each day that such violation continues. In addition, the costs of towing and storage will be assessed against you.

If you wish to have a hearing on the question of whether your automobile was lawfully towed and impounded, and the fine and costs to which you may be subject, you may do

so by submitting a written request for such hearing within six (6) days of the date of this notice to the Hearing Officer designated in this ordinance. You will be accorded a prompt hearing after receipt of your request for hearing. You should send a written request for hearing, either typed or printed, for such hearing using the form set forth below:

**REQUEST FOR HEARING
ON NOTICE OF TOW (SNOW ROUTE)**

TO: _____
_____ (Name & Address of Hearing Officer)

I, _____, of _____ (Address),
_____ (City, State, Zip Code) hereby request that the Hearing
Officer set a hearing on whether my car, _____
(make, model and year of vehicle), registration plate number _____, was
lawfully towed and impounded, and the fine and costs to which I may be subject.

Signature

(Typed or Printed Name)

If the Hearing Officer determines that the said automobile was not properly towed pursuant to this ordinance, the relocation service will be instructed to release said automobile without towing or impoundment charges, and you will not be subject to any fine or costs.

In the event the Hearing Officer does determine that the automobile was properly towed under this ordinance, then the relocation service shall maintain its lien on the said automobile, and you will be subject to fine and costs as provided by this ordinance.

If you do not wish to have a hearing, or fail to notify the Hearing Officer within six (6) days of the date of this notice of your request for a hearing, then your vehicle will be presumed to have been properly towed, and you will be responsible for paying the towing and impoundment charges for the vehicle. Additionally, you will be subject to fine and costs as provided by this ordinance.

You are advised that if you do not promptly claim this vehicle, it will be disposed of in accordance with this ordinance. The above described vehicle may be reclaimed at and will be released upon payment of all towing and storage charges.

5. Traffic hazards--Parking.

(A) Any vehicle which is causing an impedance of traffic because of such vehicle's position on or near any County highway or County road in such a manner as to constitute an impediment to a safe travel lane in relation to the highway or physical appearance shall be considered a traffic hazard and may be immediately removed or ordered to be removed by a towing service by the office of the Champaign County Sheriff at the expense of the registered owner. Nothing in this ordinance pertaining to inoperable or abandoned vehicles shall be applicable to such vehicles.

(B) Any vehicle parked in violation of any of the provisions of Section 5 of this ordinance shall be presumed to be creating a traffic hazard and may be ordered to be towed away and impounded at the expense of the registered owner, regardless of whether tow away signs are erected. Nothing in Sections 2 and 3 of this ordinance pertaining to inoperable or abandoned vehicles shall be applicable to vehicles parked in violation of the above said sections.

(C) Notification shall be sent by the Champaign County Highway Department no later than ten (10) days after the date of the tow to the registered owner, lienholder, or other person legally entitled to such abandoned vehicle within one business day of ascertaining the last known address of the registered owner, lienholder or other person legally entitled to the vehicle as determined by the Illinois Secretary of State's office or the office of another state maintaining vehicle registration records. Notice shall be in the form set forth below:

NOTICE OF TOW
(TRAFFIC HAZARD--PARKING)

DATE OF NOTICE:

NAME:

ADDRESS, CITY, STATE, ZIP CODE:

A vehicle described as:

Make:

Year:

Color:

License Plates (State and Year)

with registration plate number _____ is registered in your name with the State of _____. This vehicle was located at _____ and has been towed pursuant to County Ordinance _____, Section 5, which

states that any vehicle which is causing an impedence of traffic because of such vehicle's position in relation on or near any County highway or County road in such a manner as to constitute an impediment to a safe travel lane to the highway or physical appearance shall be considered a traffic hazard and may be immediately towed. You may be charged with a violation of Ordinance _____ and subject to a potential fine of \$_____, which, if not paid as provided in the Ordinance, may be an additional amount of up to \$_____ for each day that such violation continues. In addition, the costs of towing and storage will be assessed against you.

If you wish to have a hearing on the question of whether your automobile was lawfully towed and impounded, and the fine and costs to which you may be subject, you may do so by submitting a written request for such hearing within six (6) days of the date of this notice to the Hearing Officer designated in this ordinance. You will be accorded a prompt hearing after receipt of your request for hearing. You should send a written request for hearing, either typed or printed, for such hearing using the form set forth below:

**REQUEST FOR HEARING ON NOTICE OF TOW
(TRAFFIC HAZARD--PARKING)**

TO: _____
_____ (Name & Address of Hearing Officer)

I, _____, of _____ (Address),
_____ (City, State, Zip Code) hereby request that the Hearing
Officer set a hearing on whether my car, _____
(make, model and year of vehicle), registration plate number _____, was
lawfully towed and impounded, and the fine and costs to which I may be subject.

Signature

(Typed or Printed Name)

If the Hearing Officer determines that the said automobile was not properly towed pursuant to this ordinance, the relocation service will be instructed to release said automobile without towing or impoundment charges, and you will not be subject to any fine or costs.

In the event the Hearing Officer does determine that the automobile was properly towed under this ordinance, then the relocation service shall maintain its lien on the said automobile, and you will be subject to fine and costs as provided by this ordinance.

If you do not wish to have a hearing, or fail to notify the Hearing Officer within six (6) days of the date of this notice of your request for a hearing, then your vehicle will be presumed to have been properly towed, and you will be responsible for paying the towing and impoundment charges for the vehicle. Additionally, you will be subject to fine and costs as provided by this ordinance.

You are advised that if you do not promptly claim this vehicle, it will be disposed of in accordance with this ordinance. The above described vehicle may be reclaimed at and will be released upon payment of all towing and storage charges.

6. Procedures following towing or hauling away, in general.

(A) Whenever a vehicle is towed pursuant to any section of this ordinance, the towing service will safely keep the towed vehicle and its contents and maintain a record of the tow until the vehicle and contents are claimed by the owner or any other person legally entitled to possession thereof, or until the vehicle and contents are disposed of as provided in this ordinance. When a motor vehicle or other vehicle is authorized to be towed away, the Sheriff's Office shall keep and maintain a record of the vehicle towed, listing the 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 the tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

(B) The Sheriff's Office when authorizing the towing of a vehicle pursuant to any section of this ordinance shall attempt to determine the identity of the registered owner or other legally entitled person from the vehicle registration records of the State of Illinois, which are maintained by the Secretary of State, or from the registration files of a foreign state, if applicable. If such search fails to provide information sufficient to identify the registered owner or other legally entitled person, the Office causing the tow shall attempt to obtain the information from the stolen motor vehicle files of the state police. If the record search as set forth above provides information regarding the identity of the owner or person legally entitled to possession of the vehicle, then the Office authorizing the tow shall send a notification by certified mail to such owner or legally entitled person advising where the vehicle is held and setting forth public sale information. If the identity of the owner or other person legally entitled to the vehicle cannot be determined, such vehicle shall be disposed of in accordance with Section ____ of this ordinance. Exceptions to a notification by certified mail to the registered owner or the legally entitled person are set forth in Section _____.

7. Disposition of impounded vehicles, in general.

(A) When a motor vehicle in the custody of the Sheriff's Office 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 ordinance, a report of the transaction will be

maintained by the Sheriff's Office for a period of one (1) years from the date of the sale or disposal.

(B) When a vehicle located within the corporate limits of the County is authorized to be towed away pursuant to this ordinance and disposed of as set forth in this ordinance, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the County treasury into the motor vehicle disposition fund.

(C) No authorized County employee, County official, towing service owner, operator or employee shall be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or such person's 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 ordinance.

8. Disposition of impounded vehicles, reclamation by owner or other.

(A) Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the office of the Champaign County Sheriff's Office proof of ownership or proof of the right to possession of the vehicle. Personal property found in the vehicle may be released at any time to the owner of such personal property or other person having a legal right of possession of such personal property upon presentation of proof of ownership or right to possession of such personal property.

(B) When a vehicle's removal is authorized under this Ordinance, the owner of the vehicle will be responsible for all towing and storage charges. No vehicle shall be released until all such storage and towing charges are paid.

9. Disposition of impounded vehicles by public sale.

(A) Vehicles seven (7) years of age or newer shall be disposed of as follows:

(1) Whenever an inoperable, abandoned, or other vehicle seven (7) 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 give as provided in Section 8 above, the Sheriff having authority over the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the ale 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.

(2) At least ten (10) days prior to the sale, the Sheriff's Office shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the police Office or towing service to 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.

(3) In those instances where the certified notification specified herein has been returned by the postal authorities to the Sheriff's Office 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 will not be required.

(4) When the identity of the owner or other person legally entitled to the possession of an inoperable, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this ordinance, the vehicle may be sold as provided in subsection (a) above or disposed of in the manner authorized by subsection (b) below without actual notice to the registered owner or other person legally entitled to the possession of the vehicle.

(B) Vehicles older than seven (7) years of age shall be disposed of as follows:

(1) When an inoperable, abandoned or other vehicle of more than seven (7) years of age, other than an antique vehicle, is impounded as specified by this ordinance, 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. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the owner, the Sheriff's Office may authorize the disposition of said vehicle as junk only, or at public sale to the highest bidder.

(2) A motor vehicle or other vehicle classified as an antique vehicle shall be disposed of only as provided for in subsection (1) above.

10. Penalties for Violations.

(A) Any person violating the provisions of this Ordinance may within seventy-two (72) hours of the time within the date of the notice required in this ordinance as the penalty therefore and in full satisfaction therefore the sum set forth in such period in the schedule of fines established in this Ordinance, or after seventy-two (72) hours, in like manner the sum set forth for such period in the schedule of fines in this Ordinance. If settlement is not made within seven (7) days after the date of notice required in this ordinance, any person violating the provisions of this Ordinance shall be subject to the penalties set forth in this Ordinance.

(B) Any person violating the provisions of this ordinance shall be punished by a fine up to the amount set forth in the schedule of fines established pursuant to this ordinance. Any violation of this Ordinance shall be deemed a petty offense and shall be punishable by a fine not exceeding \$1,000 for each such violation.

(C) Each day that a violation is allowed to continue under this ordinance may be considered as a separate offense.

11. Schedule of Fines.

Any person violating any of the provisions in this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each such violation. Each day that any violation of the provisions of this section is allowed to continue shall be considered a separate violation.

<u>Offense</u>	<u>Fine</u>
Abandoned Vehicle	\$50
Inoperable Vehicle	\$50
Parking in a Snow Route	\$100
Expired/No Registration Plates	\$50
Traffic Hazard-Parking	\$100

12. Severability

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the County of Champaign that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

13. Effective Date

This Ordinance shall be in full force and effect from and after _____, 2005, unless repealed.

PRESENTED, ADOPTED, APPROVED AND RECORDED this ____ day of _____, 2005.

County of Champaign

BY: _____
BARBARA WYSOCKI
County Board Chair

ATTEST: _____
MARK SHELDEN
County Clerk and ex-officio
Clerk of the County Board
of Champaign County