

**AN ORDINANCE REGARDING THE OPERATION OF VEHICLES/VESSELS
ON FLOODED ROADWAYS AND WATERWAYS.
ORDINANCE #: 2016-01-"O"**

WHEREAS, 50 ILCS 755/10 authorizes municipalities, counties, and political subdivisions of this State to have the authority to authorize, fund, and continue support for water rescue/recovery departments within their jurisdictions for the purpose of the surface and underwater rescue and recovery of persons and property; and

WHEREAS, the Shelby County Board has determined, by recommendation of Shelby County Emergency Responders, that operating vehicles or vessels over flooded roadways and waterways is dangerous to the driver, passengers and emergency responders. The Shelby County Board finds it necessary to deter such activity and provide for a cost recovery process should motorists need rescued as a result of such activity ; and

WHEREAS, the Shelby County Board further believes that the ordinance enacted herein is in the best interest of the public health, welfare and safety in that it will secure the public safety and deliver the aforementioned public services in a more efficient, uniform, and effective manner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF SHELBY COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Purpose

The purpose of this ordinance is to provide regulations regarding the operation of vehicles and vessels on flooded roadways and waterways in Shelby County, IL. To deter the operation of vehicles and vessels on flooded roadways and waterways and provide for penalties for violating these regulations. As well as to provide for a cost recovery process for emergency responders.

Section 2: Regulations

- A. No person shall operate any motorized vehicle into or upon a flooded roadway; flooded roadway shall be defined as any roadway that is inundated by flood waters making it dangerous to operate a motor vehicle on said roadway.
- B. No person shall disobey a roadway sign indicating that a road is closed.
- C. No person shall disobey a roadway sign that indicates that a roadway is closed in high water.
- D. No person shall operate a vessel upon a flooded roadway without express permission from a Shelby County Law Enforcement Agency and/or Shelby County Dive Rescue Team.
- E. No person shall operate a vessel on a waterway that is flooded or otherwise closed to public use.

Section 3: Cost Recovery Process

Fees may be assessed to any offender of this Ordinance to recover costs associated with recovery of a vehicle/vessel on a flooded roadway or waterway in the following schedule:

- A. Vehicle/Vessel removal on a flooded roadway due to violation of these regulations - \$500.00
- B. Rescue/Recovery of persons due to violation of these regulations - \$1000.00
- C. Removal of debris, when requested by the proper authority, from a waterway as a hazard to navigation on a waterway -\$500.00
- D. Removal of debris, when requested by the proper road authority, from a flooded roadway as a hazard to vehicle operation -\$500.00
- E. Payment shall be due sixty (60) days after notice of fee is received.
- F. Late fees in the amount of ten dollars (\$10) shall be assessed for each day late.
- G. Funds recovered shall be deposited and made available to the Shelby County Dive/Rescue Team for operational expenses and public awareness campaigns.

Section 4: Jurisdiction

This Ordinance shall be applicable in all areas of Shelby County, IL.

Section 5: Severability

The provisions of this Ordinance are severable. If any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the County that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, or if the person or circumstances to which this Ordinance or any part thereof are inapplicable had been specifically exempted therefrom.

Section 10: Penalties

Any person, partnership, association, corporation, or other legal entity who violates these regulations shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500).

Section 11: Effective Date

This Ordinance shall become effective immediately.

PRESENTED, APPROVED, AND ADOPTED, by the County Board of the County of Shelby, Illinois at a regular meeting thereof held on the 9th day of March, 2016

[Redacted Signature]

David Cruitt, Chairman
County Board, Shelby County, Illinois

VOTE:

11 Ayes

8 Nays

Certification:

[Redacted Signature]

Jessica FOX
Shelby County Clerk and Recorder

