

## 📖 CHAPTER 73: MOTORBOATS

### ENFORCEMENT

#### 📖 § 73.015 ENFORCEMENT.

- (A) This Ordinance shall be enforced by the Lake County Sheriff or his or her designee(s) who, in his or her discretion, may either issue a ticket to proceed through:
- (1) the Circuit Court of the 19<sup>th</sup> Judicial Circuit; or
  - (2) Lake County Administrative Adjudication, set forth in the Lake County Administrative Adjudication Ordinance (§§94.50 – 94.66).
- (B) It is further the duty of all these officers to make prompt investigation of any violation of the provisions of this chapter reported by any other person, and to cause a complaint to be filed before the Circuit Court if there seems just grounds for a complaint and evidence procurable to support the same.

(1977 Code, § 3:5-2) (Ord. passed 8-11-1992) Penalty, see § [73.999](#)

### OPERATION OF MOTORBOATS

#### 📖 ~~§ 73.090 OPERATING WHILE INTOXICATED.~~

- ~~—(A) No person who is under the influence of intoxicating liquor or a controlled substance, or both, may operate any vessel within this county.~~
- ~~—(B) No person who operates a watercraft upon, in, or through the waters of the county shall be deemed to have given consent to one or more chemical tests of breath, blood, or urine for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if a duly authorized police officer has reasonable grounds to believe the person has been operating or in actual physical control of the movement of a watercraft:~~
- ~~—(1) While under the influence of alcohol or a controlled substance, or both; or~~
- ~~—(2) Which was involved in an accident in which the operator or passenger of any watercraft involved required any treatment at a medical facility or was killed.~~
- ~~—(C) If any person placed under arrest for a violation of this section is requested to submit to chemical testing and refuses to do so, the testing shall not be conducted but upon notice by the duly appointed police officer, the court shall suspend the boating privileges of the person for a period of 12 months.~~
- ~~—(D) It is the duty of the duly appointed police officer to inform the person that the person's boating privileges could be suspended upon refusal to submit to chemical testing.~~
- ~~—(E) In any summary proceeding or criminal proceeding in which the defendant is charged with a violation of this section or any other violations of this chapter arising out of the same action, the fact that the defendant refused to submit to chemical testing as required by subsection (B) above may be introduced in evidence along with other testing concerning the circumstances of the refusal. No presumptions shall arise from this evidence, but it may be considered along with other factors concerning the charge.~~

~~—(F) No physician, nurse, or technician, nor hospital employing the physician, nurse, or technician, nor any other employer of the physician, nurse, or technician shall be civilly liable for properly withdrawing blood or obtaining a urine sample and reporting the results to a duly authorized police officer at the request of the duly authorized police officer under this section. No physician, nurse, or technician nor hospital employing the physician, nurse, or technician may administratively refuse to perform the tests and provide the results to a duly appointed police officer except as may be reasonably expected from unusual circumstances that pertain at the time the request is made.~~

~~—(G) No person who is a habitual user of or under the influences of any narcotic drug to a degree which renders him or her incapable of safely operating a vessel may operate or be in actual physical control of a vessel within this county. The fact that a person charged with a violation of this subsection (G) is or has been entitled to use the drug under the law of this state does not constitute a defense against any charge of violation of this subsection (G).~~

~~—(H) (1) Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while operating or in actual physical control of a vessel while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged, as shown by a chemical analysis of his or her breath, blood, urine, saliva, or other bodily substances is admissible, as provided hereinafter in this subsection (H), and the result of any such analysis shall give rise to the following presumptions:~~

~~—(a) If there was at the time of the analysis 0.05% or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor;~~

~~—(b) If there was at the time of analysis in excess of 0.05% but less than 0.10% by weight of alcohol in the person's blood, that fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor; or~~

~~—(c) If there was at the time of analysis 0.10% or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.~~

~~—(2) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood. Evidence based upon a chemical analysis of blood, urine, breath, or other bodily substance shall not be admitted unless the substance was procured and the analysis made with the consent of the person as provided in this section, whose bodily substance was so analyzed.~~

~~—(3) The foregoing provisions of this subsection (H) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.~~

~~—(I) Chemical analysis of the person's blood or breath to be considered valid under this section must be performed according to uniform standards adopted by the Illinois Department of Public Health, in cooperation with the Superintendent of State Police and by an individual possessing a valid permit issued by that Department for this purpose. The State Department of Public Health is authorized to approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct the analysis and to issue permits which shall be subject to termination at the discretion of the State Department of Public Health.~~

~~—(J) When an unconscious person or persons otherwise incapable of refusal is given a blood test at the request of a duly appointed Deputy officer under the provisions of this section, only a physician authorized to practice~~

~~medicine in all its branches, a registered nurse, or other qualified person may withdraw blood in a manner prescribed by the Department of Public Health for the purpose of determining the alcoholic content therein.~~

~~—(K) The person tested may have a physician authorized to practice medicine in all its branches, a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests at his or her own expense in addition to any administered at the discretion of a duly appointed Deputy. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the time by request of a duly appointed Deputy.~~

~~—(L) Upon the request of the person who submitted to a chemical test or tests at the request of a duly appointed Deputy, full information concerning the test or tests must be made available to him or her, or his or her attorney.~~

~~—(M) The owner of any watercraft or person having it in charge or in control may not authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic, or habit forming drugs.~~

~~(1977 Code, § 3:5-2) (Ord. passed 8-11-1992) Penalty, see § [73.999](#)~~

## DISPOSITION OF REVENUE

### 📖 § 73.110 DISBURSEMENT.

All revenue received for violations of this ordinance shall be disbursed to Lake County and shall be deposited in Lake County General Fund Lake County.

(1977 Code, § 3:5-2) (Ord. passed 8-11-1992)

### 📖 § 73.111 CIRCUIT COURT CLERK.

Disbursements made pursuant to § [73.110](#) shall be made monthly by the Lake County Clerk of the Circuit Court..

(1977 Code, § 3:5-2) (Ord. passed 8-11-1992)

### 📖 § 73.999 PENALTY.

(A) *Lake County Sheriff's Office Citation filed in Circuit Court.* If the Ordinance violation is cited for enforcement through the 19<sup>th</sup> Judicial Circuit the penalties shall be as follows:

- (1) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).
- (2) *Violation of §§ [73.030](#) through [73.038](#) and [73.050](#) through [73.062](#).* Any person who shall be found guilty of violating any of the provisions of §§ [73.030](#) through [73.038](#) and [73.050](#) through [73.062](#) (except as to § 73.058) shall be fined not less than \$50 nor more than \$100.
- (3) *Violation of § [73.058](#).* Any person found guilty of violating any of the provisions of § [73.058](#) shall be fined not less than \$100, nor more than \$500.

- (4) *Violation of §§ [73.077](#) through [73.089](#).* Any person who is found guilty of violating any of the provisions of §§ [73.077](#) through [73.089](#) shall be fined not less than \$50 nor more than \$100.
- (5) *Violation of §§ [73.091](#) through [73.096](#).* Any person found guilty of violating any of the provisions of §§ [73.091](#) through [73.096](#) shall be fined not less than \$50 nor more than \$100.
- (6) *Violations citing state statutory provisions.* Any violation of this chapter, for which a fine or penalty is not herein provided, shall be written citing the appropriate state statutory provision as found in the Boat Registration and Safety Act.

- (a) Any person violating subsections (A) or (B) of § [73.052](#), in addition to the requirements of § [73.052](#)(F), is subject to a Class B misdemeanor for the first offense and a Class A misdemeanor for any subsequent offense occurring within three years of the date of the most recent offense.

- (b) Any person violating subsection (C) of § [73.052](#), in addition to the requirements of § [73.052](#)(G), is subject to a Class A misdemeanor for the first offense and a Class 4 felony for any subsequent offense.

- (c) Any person convicted of violating § [73.092](#) is guilty of a Class A misdemeanor.

(B) *Lake County Administrative Adjudication Citation of Violation.* If the Ordinance violation is cited for enforcement through Lake County Administrative Adjudication ([§§94.50 – 94.66](#)), the minimum fine amount shall be as follows:

- (1) The minimum fine amount for violations of §§ 73.017 through 73.018 and 73.075 through 73.096 shall be \$115.00.
- (2) The minimum fine amount for violations of §§ 73.030 through 73.062 shall be \$75.00.

(1977 Code, § 3:5-2) (Ord. passed 8-11-1992)