



**WILLIAM J. SCOTT**  
**ATTORNEY GENERAL**  
**STATE OF ILLINOIS**  
**SPRINGFIELD**

November 2, 1979

FILE NO. S-1467

**HIGHWAYS:**

Authority of a County to  
Enact an Ordinance  
Regulating Parking

Honorable Dennis P. Ryan  
State's Attorney  
County of Lake  
County Building  
Waukegan, Illinois 60085

Dear Mr. Ryan:

This responds to your letter wherein you inquired whether your county board has the authority to enact an ordinance regulating parking on county roads. You also asked, in the event that the county board has such authority, whether such an ordinance could be applied to State, municipal, or township roads, as well as county roads.

In answer to your first question, I am of the opinion that a county does have authority to enact an ordinance regulating parking on roads under its jurisdiction. Section 11-208(a) of the Illinois Vehicle Code (Ill. Rev. Stat. 1977,

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ch. 95½, par. 11-208) to which you referred, provides in pertinent part:

"Powers of local authorities. (a) The provisions of this Chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;

\* \* \*

"

Section 11-100 of the Illinois Vehicle Code (Ill. Rev. Stat. 1977, ch. 95½, par. 11-100) defines the term "local authority" as including counties. The power of a county to regulate parking is therefore with respect to streets and highways under its jurisdiction.

Section 5-401 of the Illinois Highway Code (Ill. Rev. Stat. 1977, ch. 121, par. 5-401) provides that all highways in the county highway system shall be under the direct control and supervision of the county board of the county in which such county highways are located. It is also noted that a county may acquire or transfer jurisdiction over a highway pursuant to the provisions of section 4-409 of the Illinois Highway Code (Ill. Rev. Stat. 1977, ch. 121, par. 4-409).

You referred to two decisions which construed section 11-208 of the Illinois Vehicle Code (Ill. Rev.

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Stat. 1977, ch. 95½, par. 11-208): City of Crystal Lake v. Cunningham (1977), 52 Ill. App. 3d 819; and Village of Oak Park v. Flannagan (1975), 35 Ill. App. 3d 6. Each of these decisions refers to section 11-208 as authority for a municipality to regulate the standing or parking of vehicles. Although there do not appear to be any decisions on this subject with respect to counties, one of my predecessors (1953 Ill. Atty. Gen. Op. 48) advised that counties have authority to regulate with respect to highways pursuant to the provisions of section 26 of the Uniform Act Regulating Traffic (Ill. Rev. Stat. 1951, ch. 95½, par. 123). This section is substantially the same as section 11-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1977, ch. 95½, par. 11-208).

I am therefore of the opinion that your county does have authority to enact an ordinance regulating parking on streets and highways under its jurisdiction. These would include the highways included in the county highway system set forth in section 2-102 of the Illinois Highway Code (Ill. Rev. Stat. 1977, ch. 121, par. 2-102) and also those highways over which a county acquires jurisdiction pursuant to section 4-409 of the Illinois Highway Code (Ill. Rev. Stat. 1977, ch. 121, par. 4-409).

You also asked whether such an ordinance could be applied to State, municipal or township roads. Such roads

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are not under the jurisdiction of the county and therefore the ordinance could not, in my opinion, be made applicable to these roads, unless the county had acquired jurisdiction pursuant to section 4-409 of the Illinois Highway Code (Ill. Rev. Stat. 1977, ch. 121, par. 4-409), to which I previously referred.

Very truly yours,

A T T O R N E Y   G E N E R A L