

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2017-14

AMENDING TITLE VII, TRAFFIC CODE, CHAPTER 70 – TRAFFIC RULES BY CREATING
SECTION 70.26 AUTHORITY TO IMPOUND VEHICLES AND
SECTION 70.27 ADMINISTRATIVE FEES AND PROCEDURES FOR IMPOUNDED VEHICLES

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2017-14, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on May 1, 2017.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 1st day of May, 2017.



D Reynolds
Dawn Reynolds, Village Clerk

ORDINANCE NO. 2017-14

ORDINANCE AMENDING TITLE VII, TRAFFIC CODE, CHAPTER 70 – TRAFFIC RULES BY CREATING SECTION 70.26 AUTHORITY TO IMPOUND VEHICLES AND SECTION 70.27 ADMINISTRATIVE FEES AND PROCEDURES FOR IMPOUNDED VEHICLES

IN THE CODE OF ORDINANCES FOR THE VILLAGE OF MT. ZION, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, AS FOLLOWS:

Title VII, Traffic Code, Chapter 70 Traffic Rules, Section 70.26 Authority to impound vehicles

Is hereby created to codify the Village of Mt. Zion's ability to impound vehicles pursuant to 725 ILCS 5/109 and 625 ILCS 5/11-1302.

Therefore, Section 70.26 Authority to impound vehicles shall hereby state, in its entirety, as follows:

S 70.26 Authority to Impound Vehicles

The Village of Mt. Zion Police Department is authorized to tow and impound a vehicle for the operation or use of a vehicle in the commission of, or in the attempt to commit, any misdemeanor or felony offense in violation of the Criminal Code of 1961. The authority to tow and impound vehicles is granted to the Village of Mt. Zion pursuant to 725 ILCS 5/109 and 625 ILCS 5/11-1302.

Title VII, Traffic Code, Chapter 70 Traffic Rules, Section 70.27 Administrative fees and procedures for impounded vehicles

Is hereby created to codify the administrative fees and procedures for impounded vehicles by the Village of Mt. Zion.

Therefore, Section 70.27 Administrative fees and procedures for impounded vehicles shall hereby state, in its entirety, as follows:

S 70.27 Administrative Fees and Procedures for Impounding Vehicles

- (a) The Village, in addition to any fees charged for the towing and storage of an impounded vehicle, shall impose on the registered owner of the motor vehicle or the agents of that owner, an administrative fee of two hundred and fifty dollars (\$250.00) related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, or release of a vehicle for the following violations;

- (1) 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 Criminal Code of 1961 (720 ILCS 5/36-1); or
- (2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501); or
- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act (720 ILCS 550/1 et seq.); or
- (4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); or
- (5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5 or 24-3.1 of the Criminal Code of 1961 (720 ILCS 5/24-1, 720 ILCS 5/24-1.5 or 720 ILCS 5/24-3.1); or
- (6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code, (625 ILCS 5/6-303); except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
- (7) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act (720 ILCS 550/1 et seq.) or the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); or
- (8) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101); if the period of expiration is greater than one year; or
- (9) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
- (10) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code (625 ILCS 5/6-101, 625 ILCS 5/6-303, or 625 ILCS 5/11-501); or
- (11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961 (720 ILCS 5/16-1 et seq. or 720 ILCS 5/16A-1 et seq.); or
- (12) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 when so provided by local ordinance.

- (b) Fees imposed for administrative and processing costs. The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (a):

- (1) All administrative fees and towing charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.
- (2) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.
- (3) The fees shall be uniform for all similarly situated vehicles.
- (4) The fees shall be collected by and paid to the municipality imposing the fees.
- (5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. This fee is separate and apart from the administrative fee charged by the Village.
- (6) The administrative fees shall be waived by the Village upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

(c) Notice of impoundment and opportunity for hearing.

- (1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the municipality.
- (2) At the time the vehicle is towed, the Village shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure and of the vehicle's owner's or lessee's right to an administrative hearing.
- (3) The Village shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the Village a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(d) Administrative hearing notice. The registered owner or lessee of an impounded vehicle under this section shall be provided with a notice of administrative hearing. The notice shall:

- (1) Be served on the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Illinois Secretary of State.

- (2) Be served upon interested parties within 10 days after a vehicle is impounded by the Village.
 - (3) Contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.
- (e) Administrative hearing. The registered owner or lessee of the vehicle impounded shall have an opportunity for an administrative hearing to contest eligibility for impoundment.
- (1) Administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in Illinois for a minimum of three years.
 - (2) At the hearing, the formal or technical rules of evidence shall not apply.
 - (3) The hearings shall be recorded, and the person conducting the hearing shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers.
 - (4) Persons represented at a hearing under this section may be represented by counsel at their expense.
 - (5) At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.
 - (6) If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the Village.
 - (7) All final decisions of the administrative hearing officer shall be subject to direct appeal to the Circuit Court of Macon County, Illinois.
 - (8) Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storing charges are paid. Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and may be disposed of in accordance with the provisions of Article II of Chapter 4 the Illinois Vehicle Code.
 - (9) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF
MT. ZION, MACON COUNTY, ILLINOIS, ON THE 1ST DAY OF MAY, 2017.

MOSE ABSENT

MENDENHALL ABSENT

JOHNSON YEA

FRITZSCHE YEA

SCALES YEA

MAYOR WELLS YEA

D Reynolds
Village Clerk

APPROVED:

Mark Wells

Village President

ATTEST: *D Reynolds*

Village Clerk