

CITY OF VILLA GROVE
DOUGLAS COUNTY, ILLINOIS

ORDINANCE NO. 2022-MC01

**AN ORDINANCE AMENDING TITLE VII, CHAPTER 79, SECTIONS §79.02 AND §79.06
OF THE VILLA GROVE, ILLINOIS CODE OF ORDINANCES
AS THEY RELATE TO VEHICULAR SEIZURE AND IMPOUNDMENT**

PASSED BY THE CITY COUNCIL AND
APPROVED BY THE MAYOR OF THE
CITY OF VILLA GROVE, ILLINOIS
THIS ELEVENTH DAY OF APRIL 2022

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, THIS TWELFTH DAY OF APRIL 2022

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April 11, 2022

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OF THE VILLA GROVE, ILLINOIS CODE OF ORDINANCES
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WHEREAS, the City of Villa Grove, Douglas County, Illinois (the "City"), is a duly organized and existing City created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the City.

WHEREAS, the City previously adopted Title VII, Chapter 79 of its Code of Ordinances regulating vehicular seizure and impoundment violations and exceptions; and

WHEREAS, the City has determined that it is necessary and in the best interest of the City and its residents to amend Title VII, Chapter 79: Vehicular Seizure and Impoundment of its Code of Ordinances as it relates to violations and exceptions all as provided herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of Villa Grove, Illinois as follows:

SECTION 1: Incorporation Clause. The Mayor and City Council members hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

SECTION 2: Purpose. This ordinance is to amend Article VII: Chapter 79: Vehicular Seizures and Impoundments of the Villa Grove, Illinois Code of Ordinances as it relates to violations and exceptions.

SECTION 3: Title VII, Chapter 79.02: VIOLATIONS; EXCEPTIONS of the Villa Grove, Illinois Code of Ordinances is hereby amended to now read, in entirety, as follows:

“§ 79.02 VIOLATIONS; EXCEPTIONS.

(A) The owners of record of any motor vehicle shall be liable to the City for an administrative penalty in the amount of \$500.00, plus any applicable towing and storage fees payable to a towing agent, whenever any such motor vehicle is used in the commission of any of the following offenses:

(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 2012 (720 ILCS 5/36-1); or

(2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound 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 violation of the Cannabis Control Act (720 ILCS 550/); 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 Substance Act (720 ILCS 570/); and

(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 2012; 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, vehicles shall not be subject to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to a 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/) or the Illinois Control Substances Act (720 ILCS 570/); 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 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), 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, 6-303, or 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 of the Criminal Code of 2012 (720 ILCS 5/16); 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 2012; or

(13) Operation or use of a motor vehicle in violation of Section 11-503 of the Illinois Vehicle Code (625 ILCS 5/11-503):

(a) While the vehicle is part of a funeral procession;
or

(b) In a manner that interferes with a funeral procession.

(B) For purposes of this Section, a motor vehicle is not considered to have been used in a violation that would render such motor vehicle eligible for seizure and impoundment if:

(1) The motor vehicle used in the violation was stolen at the time and the theft was discovered or reasonably should have been discovered;

(2) The motor vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the motor vehicle; or

(3) The alleged owner of record provides adequate proof that the motor vehicle had been sold to another person prior to the violation."

SECTION 4: Title VII, Chapter 79.06: HEARING OFFICER; PROCEEDINGS of the Villa Grove, Illinois Code of Ordinances is hereby amended to now read, in entirety, as follows:

"§ 79.06 HEARING OFFICER; PROCEEDINGS.

(A) The Mayor shall designate an individual to serve as the hearing officer for the vehicle impounding hearings under this chapter. The

hearing officer, who shall be an attorney licensed to practice law in Illinois for a minimum of 3 years, shall:

- (1) be empowered to administer oaths; and
- (2) be empowered to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers; and
- (3) at the conclusion of the hearing, issue a written decision either sustaining or overruling the vehicle impoundment.

(B) All interested persons shall be given a reasonable opportunity to be heard at any vehicle impoundment hearing. Persons appearing at a hearing may be represented by counsel at their expense. The hearing, during which the formal rules of evidence will not apply, shall be recorded.

(C) Any sworn or affirmed report, including a report in compliance with §11-501.1 of the Illinois Vehicle Code (625 ILCS 5/11-501.1) that is prepared in the performance of a law enforcement officer's duties and sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the owner of record's liability under §79.02 and shall support a finding of the owner of record's liability under §79.02, unless rebutted by clear and convincing evidence.

(D) An appeal of the final decision of the hearing officer may be appealed directly to the circuit court having jurisdiction over the City, without filing a request for rehearing.

(E) If the hearing officer finds that the impoundment exceeded the authority granted under the Illinois Vehicle Code (625 ILCS 5/11-208.7), the City shall be liable for the cost of storage fees and reasonable attorney's fees.

SECTION 5. Headings. The headings for the articles, sections, paragraphs and sub-sections of this ordinance are inserted solely for the convenience of

reference and form no substantive part of this ordinance nor should they be used in any interpretation or construction of any substantive provisions of this ordinance.

SECTION 6: Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

SECTION 7: Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

SECTION 8: Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

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PRESENTED, PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA GROVE, ILLINOIS, at its regular meeting on this eleventh day of April, A.D., 2022, by a roll call vote as follows:

Blaney, Thelma I. yea

Hooker, Anthony L. —

Cheely, Kerry S. yea

Johnson, Derek S. yea

Eversole-Gunter, Cassandra A. —

Pangburn, Matthew M. —

Garrett, Ryan P. yea

APPROVED:

 Cassandra A. Eversole-Gunter

CASSANDRA A. EVERSOLE-GUNTER
Mayor

ATTEST:

 Michelle L. Osborne

MICHELLE L. OSBORNE
City Clerk

SEAL

