

VILLAGE OF OBLONG, ILLINOIS

ORDINANCE NO. 2018-O-589

**AN ORDINANCE TO AMEND CHAPTER 24, ARTICLE X – VEHICLE IMPOUNDMENT
OF THE REVISED CODE OF ORDINANCES OF THE VILLAGE OF OBLONG,
ILLINOIS**

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF OBLONG, ILLINOIS
THIS 4TH DAY OF APRIL, 2018**

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF OBLONG, CRAWFORD COUNTY, ILLINOIS
THIS 4TH DAY OF APRIL, 2018**

LADORA BOYD, Village Clerk

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AN ORDINANCE TO AMEND CHAPTER 24 ARTICLE X – VEHICLE IMPOUNDMENT OF THE REVISED CODE OF ORDINANCES OF THE VILLAGE OF OBLONG, ILLINOIS

ARTICLE X – VEHICLE IMPOUNDMENT

24-10-1 **IMPOUNDMENT.** Any motor vehicle which is used in connection with the following illegal activities shall be subject to seizure and impoundment:

- (a) Violation of any provisions of the Illinois Cannabis Control Act (**720 ILCS 550/1 et seq.**);
- (b) Violation of any of the provisions of the Illinois Controlled Substances Act (**720 ILCS 570/1 et seq.**);
- (c) Violation of Sections 11-14, 11-15, 11-15.1, 11-16, 11-18, 11-18.1, 11-19, or 11-19.1 of the Illinois Criminal Code of 1961 (**725 ILCS 5/11-14; 11-15.1; 11-16; 11-18; 11-18.1; 11-19; 11-19.1**);
- (d) Violation of any provision of Article 24 of the Illinois Criminal Code of 1961 (deadly weapons);
- (e) Violation of Section 6-303 or 11-501 of the Illinois Vehicle Code (driving while license suspended/revoked, driving under the influence);
- (f) Arrested on an outstanding warrant for failure to appear in court on charges of driving while license suspended/revoked or driving under the influence.

24.10.2 **PENALTIES.** The owner of any motor vehicle seized and impounded under this Section shall be liable to the Village for any administrative penalty not to exceed **Five Hundred Dollars (\$500.00)**, plus any towing and storage fees hereinafter provided.

24-10-3 **EXCEPTIONS.** This Section shall not apply if the motor vehicle used in connection with the violation was stolen at the time and the theft was reported to the appropriate police authorities within **seventy-two (72) hours** after the theft was discovered.

24-10-4 **IMPOUNDMENT HEARING.**

- (A) Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to **Section 24-10-1** the police office shall provide for the towing of a vehicle to a facility controlled or designated by the Village or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this Section.
- (B) If the owner of record of a vehicle seized pursuant to **Section 24-10-1** desires to appeal the seizure, said owner must make a request for said hearing within

seventy-two (72) hours of the seizure. Said request shall be in writing and filed with the Chief of Police or his designee. If an appeal is timely filed a hearing officer of the Village shall conduct such hearing within **seventy-two (72) hours** after the request, excluding Saturdays, Sundays and holidays. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. The hearing officer will determine whether there is probable cause to believe the vehicle is subject to seizure and impoundment pursuant to **Section 24-10-1**. In those cases where probable cause exists, the hearing officer shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond in the amount of **Five Hundred Dollars (\$500.00)**, plus any applicable towing and storage fees. In those cases where probable cause does not exist, the hearing officer shall order the immediate release of the vehicle.

- (C) Unless a hearing is held pursuant to (B) above, within **ten (10) days** after a motor vehicle is seized and impounded pursuant to **Section 24-10-1**, the Village shall notify by certified mail, return receipt requested, the owner of record of the date and location of hearing to be conducted. The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than **forty-five (45) days** after the vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. The hearing officer will determine whether there is probable cause to believe the vehicle is subject to seizure and impoundment pursuant to **Section 24-10-1**. If the hearing officer determines by a preponderance of evidence that the vehicle was used in connection with a violation and that no exception applies, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the Village and an administrative penalty in an amount not to exceed **Five Hundred Dollars (\$500.00)**. If the owner of the record fails to appeal at the hearing, the hearing officer shall enter a default order in favor of the Village requiring the payment to the Village of an administrative penalty in an amount not to exceed **Five Hundred Dollars (\$500.00)**. If the hearing officer finds the vehicle was not used in connection with a violation or that an exception applies, the hearing officer shall order the immediate return of the vehicle or posted cash bond.
- (D) If an administrative penalty is imposed pursuant to this Section, such penalty shall constitute a debt due and owing to the Village. If a cash bond has been posted pursuant to this Section, the bond shall be applied to the penalty. If a vehicle has been impounded when such a penalty is imposed, the Village may seek to obtain a judgment on the debt and enforce such judgment against the vehicle as provided by law. Except as provided otherwise in this Section, a vehicle shall continue to be impounded until:
- (1) the penalty, plus any applicable towing and storage fees, is paid to the Village, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or
 - (2) the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law.

If the administrative penalty and applicable fees are not paid within **thirty (30) days** after an administrative penalty is imposed under this Section against an owner of record who is in default for failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable fees are not paid within **thirty (30) days** after the expiration of time at which administrative review of the hearing officer's determination may be sought or within **thirty (30) days** after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under Section 4-208 of the Illinois Vehicle Code (**625 ILCS 5/14-208**). Except as otherwise specifically provided by law, no owner, lien holder or other person shall be legally entitled to take possession of a vehicle impounded under this Section until the civil penalty and fees applicable under this Section have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund the Village the amount of the net proceeds of any foreclosure sale, less any amount required to pay all lien holders of record, not to exceed **Five Hundred Dollars (\$500.00)**, plus any applicable fees.

(E) For purposes of this Section, the "owner of record" of a vehicle is the record titleholder as registered with the Illinois Secretary of State.

24-10-5 HEARING OFFICER. The Chairperson of the Village's Police Committee shall serve as the hearing officer for purposes of these sections. Whenever any reference to a hearing officer is used, herein, those hearing officers are appointed for purposes for the adjudication system and pursuant to said applicable ordinance, shall be and are hereby deemed to be authorized to act as hearing officers, pursuant to these sections.

24-10-6 IMPOUNDMENT FEE AND PENALTY.

(A) **Impoundment Fee.** In addition to the penalties provided for in **Section 24-10-6(B)** there shall be an initial Impoundment Fee of **Seventy-Five Dollars (\$75.00)** plus **Thirty Dollars (\$30.00)** per day thereafter while impounded, up to a maximum of **Five Hundred Dollars (\$500.00)**. If vehicle is impounded after 4 pm on Friday or on the weekend the vehicle owner will not be charged the **Thirty Dollars (\$30.00)** per day for the 1st weekend if payment is made by 10 am the following Monday. Said Impoundment Fee shall be paid to the Village of Oblong, Illinois by the owner of record of the impounded vehicle.

(B) **Penalty.** Any person, firm or corporation violating any provision in this title, for which another penalty is not provided, shall for a first conviction be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, for a second conviction within **one (1) year** thereafter, the person, firm or corporation shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars**

(\$750.00) and for a third conviction or subsequent conviction with in **one (1) year** after the first conviction, the person, firm or corporation shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.

24-10-7 HOURS. The impound yard will have the following hours

Monday	9 am – 4 pm
Tuesday	9 am – 4 pm (When Available)
Wednesday	9 am – 4 pm
Thursday	9 am – 4 pm
Friday	9 am – 4 pm
CLOSED Saturday, Sunday and Holidays.	

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Upon roll call vote the following Trustees voted yea:

Upon roll call vote the following Trustees voted nay:

Passed and approved by the Board of Trustees of the Village of Oblong, Crawford County, Illinois, this 4th day of April, 2018.

TERESA K. FIELDER, Village President

ATTEST:

LADORA BOYD, Village Clerk