

VILLAGE OF CHATHAM, ILLINOIS

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ORDINANCE NO. 12-14

AN ORDINANCE IMPLEMENTING PUBLIC ACT NO. 97-109 AND PROVIDING FOR  
TOWING OF VEHICLES AND IMPOUNDMENT FEES

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CHATHAM, ILLINOIS  
THIS 8 DAY OF MAY, 2012

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Published in pamphlet form by the authority of the President and  
Board of Trustees of the Village of Chatham, Sangamon County,  
Illinois, this 8 day of MAY, 2012

ORDINANCE NO. 12- 14

**AN ORDINANCE IMPLEMENTING PUBLIC ACT NO. 97-109 AND PROVIDING FOR TOWING OF VEHICLES AND IMPOUNDMENT FEES**

WHEREAS, Public Act 97-109, effective January 1, 2012, added Section 11-208.7 to the Illinois Vehicle Code and allows the collection of administrative fees in connection with the impoundment of vehicles by municipal police departments;

WHEREAS, the Village of Chatham desires to provide a system for impoundment of vehicles and collection of administrative fees as set forth in the new Section 11-208.7 of the Illinois Vehicle Code;

*NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS:*

**SECTION 1:** Chapter 73 is hereby added to the Village of Chatham Code of Ordinances, to state as follows.

**CHAPTER 73**

**ADMINISTRATIVE TOWING FEES**

**73.1. General** The Village of Chatham (“Village”) hereby institutes procedures for the release of properly impounded vehicles and provides for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fee imposed by the Village is in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the Village upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

**73.2. Offenses for Which Fees are Imposed**

The Police Department may impound vehicles and cause vehicles to be towed, and an administrative fee in the amount of \$250.00 is hereby imposed for the release of properly impounded vehicles, for the following violations:

(1) 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;

(2) 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;

(3) 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;

(4) 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; 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;

(5) 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 or the Illinois Controlled Substances Act;

(6) 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, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age;

(7) 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;

(8) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any felony offense in violation of the Criminal Code of 1961.

**73. 3. Provisions Governing Fees**

The following shall apply to the fees imposed pursuant to section 73.2 of this Chapter.

(1) All administrative fees and towing and storage 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 collected by and paid to the Village Treasurer at the Village Utility Office.

(4) 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.

**73. 4. Opportunity For Hearing**

The registered owner of the motor vehicle or the agents of that owner shall have the opportunity for a hearing pursuant to subdivision (b)(4) of Section 11-208.3 of the Motor Vehicle Code. Hearings under this section shall be conducted by a Hearing Officer of the Code Hearing Department.

**73. 5. Notice**

(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 Village.

(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 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 either (i) pays the administrative fee in full with all towing and storage charges or (ii) posts with the Village a bond equal to the administrative fee and all towing and storage charges.

(4) The person paying the administrative fee may waive in writing the right to administrative hearing at the time the administrative fee is paid.

**73.5. Notice Of Hearing**

Unless waived in writing at the time the administrative towing fee is paid, the registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

- (1) be served upon 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 Secretary of State;
- (2) be served upon interested parties within 10 days after a vehicle is impounded by the Village; and

- (3) contain the date, time and location of the administrative hearing. An initial hearing shall be convened no later than 45 days after the date of the mailing of the notice of hearing.

**73.6. Administrative Hearing Requirements**

(1) Administrative hearings shall be conducted by the Hearing Officer generally in accordance with the procedures set forth in Chapter 39 of this Code of Ordinances.

(2) At the conclusion of the administrative hearing, the Hearing Officer shall issue a written decision either sustaining or overruling the vehicle impoundment based on a determination of whether the officer had probable cause to impound the vehicle;

(3) If the basis for the vehicle impoundment is sustained by the Hearing Officer, any administrative fee bond posted to secure the release of the vehicle shall be forfeited to the Village;

(4) All final decisions of the Hearing Officer shall be subject to review under the provisions of the Administrative Review Law;

(5) Unless the 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 storage charges are paid.

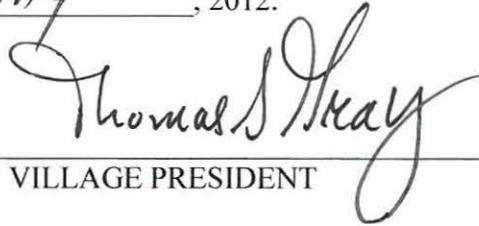
**73.7. Acquittal or Dismissal of Charges**

If the persons whose arrest formed the basis for the administrative tow is acquitted of all charges, or if the charges are not brought by the States Attorney or if the charges, once brought are dismissed in their entirety, the administrative fee shall be returned to the person upon


presentation by such person to the Chief of Police of evidence of acquittal. Upon presentation of such evidence, the Chief of Police shall notify the Treasurer, who shall return the funds.

**SECTION 2:** This ordinance shall take effect immediately upon its passage and publication. The Clerk shall publish this Ordinance in pamphlet form and see to its inclusion in the next update of the Village Code of Ordinances.

PASSED this 8 day of MAY, 2012.

  
VILLAGE PRESIDENT

ATTEST:

  
Village Clerk

AYES: 6 HERN MAU BOYLA  
NAYS: 0 HOLDEN KAVANAGH SCHATTEMAN

PASSED: 5-8-12

APPROVED: 5-8-12

ABSENT: 0

**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF SANGAMON )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 12-14 adopted by the President and Board of Trustees of said Village on the 8 day of MAY, 2012, said Ordinance being entitled:

**AN ORDINANCE IMPLEMENTING PUBLIC ACT NO. 97-109 AND PROVIDING FOR TOWING OF VEHICLES AND IMPOUNDMENT FEES**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 8 day of MAY, 2012.

*Paul Schaal*  
Village Clerk





STATE OF ILLINOIS                    )  
  ) ss.  
COUNTY OF SANGAMON            )

**CERTIFICATE**

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on MAY 8, 2012, the corporate authorities of such Village passed and approved Ordinance No. 12-14 entitled:

**AN ORDINANCE IMPLEMENTING PUBLIC ACT NO. 97-109 AND PROVIDING FOR TOWING OF VEHICLES AND IMPOUNDMENT FEES**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 12-14 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on MAY 8, 2012, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 8 day of MAY, 2012.

(SEAL)

  
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Village Clerk

