

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 17-18

**AN ORDINANCE AMENDING THE VILLAGE CODE REGARDING
ADMINISTRATIVE TOWING FEES**

THOMAS S. GRAY, Village President
PAT SCHAD, Village Clerk

MARK CLAYTON
TERRY FOUNTAIN
DAVID KIMSEY
NINA LINDHORST
MATT MAU
JOE SCHATTEMAN

Village Trustees

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Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

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**AN ORDINANCE AMENDING THE VILLAGE CODE REGARDING
ADMINISTRATIVE TOWING FEES**

WHEREAS, the Village of Chatham, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

WHEREAS, the Village Board desires to update its administrative towing fees ordinance to more closely track the provisions of the relevant state statute(s); and,

WHEREAS, the Village Board finds it in the best interests of the Village to modify its Code to specify limited circumstances wherein administrative towing fees shall be returned; and,

WHEREAS, the Village Board of Trustees and the President of the Village of Chatham believe it is in the best interests of the Village to amend the Village Code in conformance with this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment to Village Code – Administrative Towing Fees. Chapter 73, Administrative Towing Fees, Sections 73.02 and 73.08 of the Village of Chatham Code of Ordinances shall be amended as follows (added; ~~deleted~~):

§ 73.02 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 is hereby imposed for the release of properly impounded vehicles, for the following violations:

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(A) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of § 11-501 of the Illinois Vehicle Code;

(B) 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;

(C) 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;

(D) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to § 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;

(E) 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;

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

(G) 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 § 6-101, 6-303, or 11-501 of the Illinois Vehicle Code;

(H) 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 or the Criminal Code of 2012;

(I) 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 § 36-1 of the Criminal Code of 2012;

(J) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of § 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961 or the Criminal Code of 2012;

(K) Operation or use of a motor vehicle with an expired driver's license, in violation of § 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than one year;

(L) 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 or the Criminal Code of 2012.

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§ 73.08 ACQUITTAL OR DISMISSAL OF CHARGES

If the person 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, such as a judgment or finding or verdict of "Not Guilty." Upon presentation of such evidence, the Chief of Police shall notify the Treasurer, who shall return the funds.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

Section 5. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

	YES	NO	ABSENT	PRESENT
MARK CLAYTON			✓	
TERRY FOUNTAIN	✓			
DAVID KIMSEY	✓			
NINA LINDHORST	✓			
MATT MAU	✓			
JOE SCHATTEMAN	✓			
THOMAS S. GRAY				
TOTAL	5	0	1	0

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APPROVED by the President of the Village of Chatham, Illinois this 9 day of MAY, 2017.

Thomas S. Gray

Thomas S. Gray, Village President

Attest:

Pat Schad

Pat Schad, Village Clerk

