

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 22-01

**AN ORDINANCE ALLOWING FOR THE IMPOUNDMENT OF VEHICLES USED TO
EVADE POLICE IN CERTAIN CIRCUMSTANCES**

DAVE KIMSEY, Village President
DAN HOLDEN, Village Clerk

KRISTEN CHIARO
ANDREW DETMERS
MEREDITH FERGUSON
JOHN FLETCHER
BRETT GERGER
MATT MAU
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham
on January 25th, 2022

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

ORDINANCE NO. 22-01

**AN ORDINANCE ALLOWING FOR THE IMPOUNDMENT OF VEHICLES USED TO
EVADE POLICE IN CERTAIN CIRCUMSTANCES**

WHEREAS, the Village of Chatham (“Village”), 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 is now operating under the provisions of the Illinois Municipal Code; and

WHEREAS, Chapter 73 of the Village Code sets forth the Village’s towing procedures and fee schedule; and

WHEREAS, the Illinois Motor Vehicle Code (625 ILCS 5/11-204.1) and Illinois Criminal Code (720 ILCS 5/36-1) authorizes the impoundment of vehicles involved in the aggravated fleeing or attempting to elude a peace officer; and

WHEREAS, the Illinois Motor Vehicle Code authorizes the impoundment of vehicles involved in misdemeanors where the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; and

WHEREAS, the Village Board believes it to be in the best interest to amend its code to set forth additional grounds for the impoundment of vehicles; and

WHEREAS, the Village Board further finds it is in the best interest of the Village to amend its code as provided for herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, County of Sangamon, 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 of Village Code. Chapter 73 Section 73.02 of the Village Code

is hereby amended as follows:

§ 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:

...

(M) A motor vehicle involved in an unlawful attempt to flee or elude a police officer in violation of Section 11-204.1 of the Illinois Motor Vehicle Code which is not immediately stopped by the police but is located within 120 hours upon public property or a parking lot open to the general public within the Village of Chatham. Notwithstanding the foregoing, if such an offense was committed, the owner of record shall be liable to the Village for a penalty of \$500 for the first offense and \$1,000 for every subsequent offense, in addition to the fees for the towing and storage of the vehicle.

(N) A motor vehicle involved in an unlawful attempt to flee or elude a police officer in violation of Section 11-204 of the Illinois Motor Vehicle Code which is not immediately stopped but is located within 120 hours upon public property or a parking lot open to the general public within the Village of Chatham, provided an arrest is made for which the person driving or in control of the vehicle is required by law to appear a proper magistrate without unnecessary delay. Notwithstanding the foregoing, if such an offense was committed, the owner of record of such vehicle shall be liable to the Village for a penalty of \$500 for the first offense and \$1,000 for every subsequent offense, in addition to the fees for the towing and storage of the vehicle.

When a vehicle is towed pursuant to Section (M) or Section (N) above, the police officer shall notify the registered owner of the vehicle at the time of the alleged violation, personally or by certified mail, of the fact of the seizure and of the vehicle's owner's right to request a preliminary hearing to be conducted in accordance with Village ordinances.

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

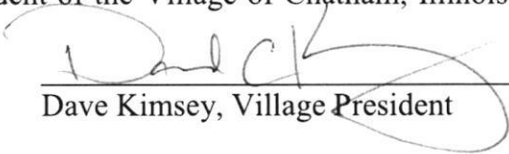
rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 25th day of January, 2022, at Chatham, Sangamon County, Illinois.


| | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|-----|-----|---------|--------|
| KRISTEN CHIARO | X | | | |
| ANDREW DETMERS | X | | | |
| MEREDITH FERGUSON | X | | | |
| JOHN FLETCHER | X | | | |
| BRETT GERGER | X | | | |
| MATT MAU | X | | | |
| | | | | |
| DAVE KIMSEY | | | | |
| | | | | |
| TOTAL | 6 | 0 | 0 | 0 |

APPROVED by the President of the Village of Chatham, Illinois this 25th day of January, 2022.



Dave Kimsey, Village President

Attest:



Dan Holden, Village Clerk