

ORDINANCE NUMBER 23 - 06

**AMENDMENT TO ORDINANCE, TITLE III: ADMINISTRATION, CHAPTER 36:  
ADMINISTRATIVE ADJUDICATION, SECTION 36.15: AUTHORIZATION TO IMPOUND,  
BOOT OR TOW MOTOR VEHICLE**

**WHEREAS**, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the Village seeks to amend the Ordinance set forth in Title III: "Administration," Chapter 36: "Administrative Adjudication," Section 36.15 "Authorization to Impound, Boot or Tow Motor Vehicle" ("**Ordinance**") to include authorization for administrative tow and impound of vehicles used in the commission, or attempted commission of a misdemeanor offense, and operation of motor vehicles in commission of, or attempted commission of theft in violation of 720 Illinois Compiled Statutes 5/16, §§1, 25; and

**WHEREAS**, the Board of Trustees of the Village of East Dundee finds it in the best interests of the Village to amend and pass the Ordinance in order to protect the public health, safety and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

**SECTION 1:** That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

**SECTION 2:** Title III: "Administration," Chapter 36: "Administrative Adjudication," Section 36.15 "Authorization to Impound, Boot or Tow Motor Vehicle," shall be, and is hereby amended as set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

**SECTION 3:** That the Village Clerk is hereby directed to have the Municipal Code of the Village of East Dundee clearly marked to indicate the aforesaid changes.

**SECTION 4:** All ordinances or parts of ordinances in conflict with terms of this ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 5:** 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 6th day of February 2023 pursuant to a roll call vote as follows:

**AYES:** Kunze, Brittin, Treiber and Sauder

NAYES: 0

ABSENT: Mahony and Saviano

APPROVED by me this 6th of February 2023.

  
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Jeffrey Lynam, Village President

ATTEST:

Katherine Diehl

Katherine Diehl, Village Clerk

## EXHIBIT A

[Added text **bold and double underlined**; deleted text ~~struck through~~

### § 36.15 AUTHORIZATION TO IMPOUND, BOOT OR TOW MOTOR VEHICLE.

Any motor vehicle whose registered owner has been determined to be liable for ten or more vehicular standing or parking regulation violations, for which the fines or penalties assessed remain unpaid, may be immobilized, booted or towed and impounded if:

- (A) The Ordinance Enforcement Administrator has determined that a person has been determined to be liable for ten or more ordinance violations, for which the fines or penalties remain unpaid.
- (B) The person determined to be liable for ten or more violations is the registered owner of a motor vehicle located within the village geographical boundaries.
- (C) A seizure notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the village which contains, but shall not be limited to the following:
  - (1) A final determination has been made on ten or more ordinance violations, for which the fines and penalties remain unpaid;
  - (2) A listing of the violations for which the person has been determined to be liable, which shall include for each violation:
    - (a) The ordinance violation notice number;
    - (b) Date of issuance; and
    - (c) Total amount of fines and penalties assessed;
  - (3) The motor vehicle owned by the person and located within the village is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within, but not later than 15 days of the date of the notice;
  - (4) Date of immobilization;
  - (5) Date of impending towing and impoundment;
  - (6) The registered owner may contest the validity of the notice by appearing in person before the Ordinance Administrator within 15 days of the date of the notice and submitting evidence which would conclusively disprove liability, such as the following:
    - (a) The registered owner was not the owner or lessee of the vehicle on the date or dates the notices of violation were issued;
    - (b) The fines or penalties for the violations cited in the notice were paid in full; or
    - (c) The registered owner has not accumulated ten or more ordinance violation notices which are unpaid, not adjudicated or for which no appearance was made;

(7) The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and has failed to appear with evidence to conclusively disprove liability before the Ordinance Enforcement Administrator to contest the validity of the notice;

(8) Criminal violations authorizing seizure/impoundment. A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to seizure and impoundment by the village, and the owner of record of said vehicle shall be liable to the village for an administrative penalty of \$500, in addition to costs of prosecution and any towing and storage fees as herein after provided:

(a) Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to ILCS Ch. 720, Act 5, § 36-1;

(b) Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, ILCS Ch. 625, Act 5, § 11-501;

(c) Operation or use of a motor vehicle in connection with the commission or attempted commission of any misdemeanor or felony offense;

(d) Operation or use of a motor vehicle in connection with the commission or attempted commission of any violation of the provisions of the Illinois Cannabis Control Act, ILCS Ch. 720, Act 550, § 1;

(e) Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the Illinois Controlled Substances Act, ILCS Ch. 720, Act 570, § 100;

(f) Unlawful use of a weapon in violation of ILCS Ch. 720, Act 5, § 24-1; aggravated discharge of a firearm in violation of ILCS Ch. 720, Act 5, § 24-3.1;

(g) Driving while license, permit or privilege to operate a motor vehicle is suspended or revoked, ILCS Ch. 625, Act 5, § 6-303. Vehicles shall not be subject to seizure impoundment if the suspension is due to failure to comply with emission testing;

(h) Operating a motor vehicle without a valid drivers license, ILCS Ch. 625, Act 5, § 6-101:

1. Except a person that had a valid driver's license that is expired for less than 12 months; and

2. Except a person who is less than 17 years of age operating a motor vehicle on any street or highway when in violation of state law; and

(i) Operating a motor vehicle, when the registration is cancelled, suspended or revoked, ILCS Ch. 625, Act 5, § 3-702 or ILCS Ch. 625, Act 5, § 3-708; however, the vehicle shall not be subject to seizure impoundment, if the suspension is due to failure to comply with emission testing;

**(j) Operation or use of a motor vehicle in the commission of, or in the attempt to commit a theft or retail theft in violation of 720 Illinois Compiled Statutes 5/16 §§1, 25;**

(9) Criminal violations authorizing seizure/impoundment and forfeiture - release fee. The owner of record of any motor vehicle for which lawful forfeiture proceedings have been initiated in conjunction with any violation noted in division (C)(8) above shall be subject to payment to the village of an administrative fee of \$250 for the release of the vehicle as a result of a court or other action.

(Ord. 08-07, passed 3-3-2008; Am. Ord. 08-15, passed 4-21-2008; Am. Ord. 11-02, passed 1-18-2011)