

REQUEST FOR BOARD ACTION

ORIGINATOR: Police Department **COMMITTEE OF THE WHOLE MEETING:** 02/28/13

NAME: Thomas Mulhearn, Chief of Police **REGULAR BOARD MEETING:** 03/04/13

AMEND ORDINANCE # 09-190 INVOLVING THE ADMINISTRATIVE HEARING SYSTEM AND PROVIDING FOR VEHICLE SEIZURE AND IMPOUNDMENT: Board to consider an ordinance allowing the village to continue it's Administrative Hearing System and vehicle seizure and impoundment practice without being a home rule community.

BACKGROUND OF SUBJECT MATTER: Recently the village lost it's home rule authority. In reviewing the Administrative Hearing System and our vehicle seizure and impoundment process it was determined that Illinois Compiled Statutes 625 ILCS 5/11-208.7 and 625 ILCS 5/11-208.3 permit the village to continue with administrative hearings and vehicle impoundments on a non-home rule basis.

Village Ordinance 09-190 needs to be amended to modify the ordaining statute as well as to add that lienholders must be notified in addition to each owner, or lessee of the vehicle regarding notice of an administrative hearing.

Additionally the ordinance should be amended to include additional violations for which a vehicle may be towed and impounded. Those violations include;

- if the vehicle is used in the commission of or in the attempt to commit a felony or in violation of the cannabis control act
- if the vehicle was used in the commission or in the attempt to commit an offense in violation of the Illinois Controlled Substances Act
- if the vehicle operation or use occurs while soliciting, possession or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act
- 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 ILCS
- the operation or use of a vehicle to commit any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012 when so provided by local ordinance.

DOCUMENTS ATTACHED:

- Draft ordinance will be forwarded to the board upon it's completion

RECOMMENDATION:

- Board approve amending ordinance 09-190