

ORDINANCE NO. 16-05

AN ORDINANCE AMENDING TITLE 7, TRAFFIC REGULATIONS, CHAPTER 12, SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES, SECTION 7-12-2, VEHICLES SUBJECT TO SEIZURE AND IMPOUNDMENT, SECTION 7-12-3, SEIZURE AND IMPOUNDMENT OF VEHICLES, SECTION 7-12-4, POSTING A BOND, AND SECTION 7-12-6, FINAL HEARING, OF THE VILLAGE OF MANTENO MUNICIPAL CODE

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BE IT ORDAINED by the President and Board of Trustees of the Village of Manteno, as follows:

Section 1

That Title 7, Traffic Regulations, Chapter 12, Seizure and Impoundment of Motor Vehicles, of the Village of Manteno Municipal Code, be amended by changing Section 7-12-2, Vehicles Subject to Seizure and Impoundment, to read as follows:

7-12-2: **VIOLATIONS.**

No Owner of Record shall permit or suffer to permit his/her motor vehicle to be used in conjunction with, or in violation of, the following:

- A. The possession or delivery of a Controlled Substance or Drug Paraphernalia;
- B. Driving Under the influence;
- C. Driving While License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked;
- D. Operation of a Motor Vehicle without a valid Driver's License; or
- E. The Unlawful Use of Weapons.

Section 2

That Title 7, Traffic Regulations, Chapter 12, Seizure and Impoundment of Motor Vehicles, of the Village of Manteno Municipal Code, be amended by changing Section 7-12-3, Seizures and Impoundment of Vehicles, to read as follows:

7-12-3: **VEHICLE IMPOUNDMENT.**

A. Whenever a police officer has probable cause to believe that a motor vehicle is being used in violation of §7-12-2 he shall cause the seizure and impoundment of that motor vehicle to a facility controlled by the Village or its agents. When a motor

vehicle is towed, the police officer shall notify the Owner of Record, or any person in control of the vehicle at the time of the alleged violation, if there is such a person, of the seizure, the Owner of Record's right to request a preliminary hearing as provided in this Chapter, and that the motor vehicle will be held as bond to secure the Owner of Record's personal appearance at the final hearing.

B. No vehicle shall be seized or impounded under this Chapter unless the police officer determines that such action is necessary and reasonable under the circumstances including, but not limited to, the exercise of his/her community caretaking functions. If the motor vehicle is capable of being removed from the scene by an individual who is present on the scene, and who has permission from the Owner of Record to drive the vehicle, and the individual is otherwise capable of lawfully operating a motor vehicle in the State of Illinois, the police officer shall allow that individual to remove the motor vehicle without being subject to seizure and impoundment. Similarly, if the motor vehicle is parked legally, and/or will not present a hazard to the public safety, or jeopardize the efficient movement of vehicular traffic at its location, the officer shall permit the vehicle to remain at its location without being seized or impounded pursuant to this Chapter. This determination shall not apply when the vehicle is required to be seized or impounded due to investigative measures or when a vehicle is seized or impounded pursuant to another lawful purpose.

Section 3

That Title 7, Traffic Regulations, Chapter 12, Seizure and Impoundment of Motor Vehicles, of the Village of Manteno Municipal Code, be amended by changing Section 7-12-4, Posting a Bond, to read as follows:

7-12-4: **POSTING A BOND.**

Any motor vehicle seized or impounded pursuant to this Chapter shall be held as a bond to secure the personal appearance of the Owner of Record at the final hearing. A cash bond in the amount of Five Hundred Dollars (\$500.00) may be posted with the Village, in substitute, and the impounded vehicle released to the Owner of Record upon the payment of the towing and storage costs. When a motor vehicle is not seized or impounded pursuant to this Chapter, the Owner of Record shall not be required to post a cash bond.

Section 4

That Title 7, Traffic Regulations, Chapter 12, Seizure and Impoundment of Motor Vehicles, of the Village of Manteno Municipal Code, be amended by changing Section 7-12-6, Final Hearing, to read as follows:

7-12-6: **FINAL HEARING.**

- A. Notice of Hearing. The Village shall notify the Owner of Record of the date, time and location of a final hearing. Such notice shall be mailed by certified mail, return receipt requested, to the Owner of Record, as shown on the records of the Illinois Secretary of State.
- B. Hearing. For purposes of this Section, the following shall apply to the final hearing:
 - 1. Unless continued by order of the hearing officer, the final hearing shall be held within forty-five (45) days after the date of violation.
 - 2. All interested persons will be given a reasonable opportunity to be heard at the final hearing.
 - 3. If, after the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was used as hereinabove provided in §7-12-2, the hearing officer shall: (a) order the continued impoundment of the vehicle until the Owner of Record pays to the Village the penalty entered, plus the towing and storage costs; (b) order any cash bond forfeited to the Village for payment of the penalty; or, (c) in the event the motor vehicle or cash is not being held as bond, enter an order finding the Owner of Record liable to the Village in the amount of the penalty. The penalty and costs shall be a debt due to the Village.
 - 4. If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the Village.
 - 5. If the hearing officer determines that the vehicle was not used as hereinabove provided in §7-12-2, the hearing officer shall: (a) release the motor vehicle to the Owner of Record without any penalty or other costs; or, (b) release the cash bond.

Section 5

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 6

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 7

This ordinance shall be in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

PASSED by the Board of Trustees of the Village of Manteno, Illinois and deposited in the office of the Village Clerk this 6th day of June, 2016.

DEPOSITED with the Village Clerk
this 6th day of June, 2016.


ALISA BLANCHETTE, Village Clerk

APPROVED by me this 6th
day of June, 2016.


TIMOTHY O. NUGENT, Village President

I DO HEREBY CERTIFY that this Ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Manteno, in accordance with law, this 6th day of June, 2016.


ALISA BLANCHETTE, Village Clerk