

ORDINANCE NO. 12-KO-15

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS,
AMENDING CHAPTER 18, ARTICLE VII OF THE
DIXMOOR CODE OF ORDINANCES

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois;

WHEREAS, pursuant to Section 8-11-4 of the Illinois Municipal Code (65 ILCS 5/8-11-4), the Corporate Authorities may require each owner of motor vehicle or motor bicycle residing within the Village to pay a regular tax or license fee for the use of such motor vehicle or motor bicycle;

WHEREAS, pursuant to Section 8-11-4 of the Illinois Municipal Code (65 ILCS 5/8-11-4), the Corporate Authorities may, in place of the regular license fee, provide for a motor vehicle tax or license fee at a reduced rate for residents age 65 or over;

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

Section 1: Article VII, Section 18-182 is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 18-182: Fees.

The vehicle license fee to be paid annually to the Village Clerk shall be as follows:

VEHICLE CLASSIFICATION	LICENSE FEE DUE ON OR BEFORE MARCH 31
Passenger vehicles	\$ 30.00
Motorcycles, motorized bicycles, motor scooters, go carts, minibikes, or similar vehicles	\$ 20.00
Trucks	\$ 35.00
Senior Citizen (residents age 65 yrs or over)	\$ 15.00
Replacement	\$ 10.00

Section 2: Article VII, Section 18-183 is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 18-183: Tax Or Fee If Application Not Made On Time By March 31:

If application for the vehicle license required by Section 18-182 is not made on or before March 31 of each year, the following additional charges shall apply for and as vehicle license late fees:

VEHICLE CLASSIFICATION	TAX OR LATE FEE DUE WITH LICENSE FEE ON OR AFTER APRIL 1
Passenger vehicles	\$ 30.00
Motorcycles, motorized bicycles, motor scooters, go carts, minibikes, or similar vehicles	\$ 20.00
Trucks	\$ 35.00
Senior Citizen (residents age 65 yrs or over)	\$ 15.00

Section 3: Severability. 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 4: Conflict with other ordinances or laws.. All Ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

Adopted by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois this 14th day of November, 2012 by the following roll call vote:

VOTING AYE:

Trustee Yolanda Williams Corner
Trustee Dorothy Armstrong
Trustee Michael Smith

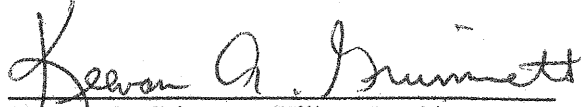
Trustee Fitzgerald Robert
Trustee Judnita Smith


VOTING NAY:

ABSENT:

Trustee Yvonne Davis

APPROVED by the Village President of the Village of Dixmoor, Cook County, Illinois this
14th day of November, 2012.


Kevan A. Grimmett, Village President

ATTEST:
Juanita Darden by:

Juanita Darden, Village Clerk

**AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS,
AMENDING CHAPTER 25, ARTICLE III, DIVISION 4, SECTION 25-78
OF THE DIXMOOR CODE OF ORDINANCES**

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois;

WHEREAS, pursuant to Section 11-129-6 of the Illinois Municipal Code (65 ILCS 5/11-129-6), the rates charged for water by such municipality shall be sufficient at all times to pay the cost of operation, maintenance, depreciation, and principal and interest on any revenue bonds that may be issued by the Village for the construction, installation, repair, maintenance and improvement of its waterworks system;

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

Section 1: Chapter 25, Article III, Division Article VII, Section 25-78 is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 18-78: Water Use and Service Rates & Charges:

(a) *Residential Usage Rate. The charge to residential customers for water use and service supplied by the Village of Dixmoor to any premise shall be \$8.70 per 1,000 gallons of water, or fraction thereof subject to the minimum charge provided in subsection (c) of this section, plus a monthly administration utility fee of \$2.00.*

(1) *These residential usage and service rates and charges shall apply to one-family dwellings, two-family dwellings, multiple family dwellings, including each dwelling of a multiple family residential structure and for publicly owned and operated buildings.*

(b) *Commercial or Business Usage Rate. The charge to commercial or business customers of water shall be at a rate of \$11.30 per 1,000 gallons of water, or fraction thereof subject to the minimum charge provided in subsection (c) of this section, plus a monthly administrative utility fee of \$5.00.*

(1) *These commercial or business usage rates and charges shall apply to all retail establishments, offices, hotels and motels, theaters, banks and financial institutions, manufacturing and industrial establishments, and all other customers of water not otherwise provided.*

(c) *Minimum Charge. Where the charge to residential customers for water services supplied by the Village of Dixmoor to any premises at the rate specified in subsections (a) would be less than \$17.40 per month, there shall be a minimum*

charge of \$17.40 to each customer per month, plus a monthly administration utility fee of \$2.00. Where the charge to commercial or business customers for water services supplied by the Village of Dixmoor to any premises at the rate specified in subsection (b) would be less than \$22.60 per month, there shall be a minimum charge of \$22.60 to each customer per month, plus a monthly administration utility fee of \$5.00.

(d) **Rate Adjustments.** The rates established in subsections (a), (b) and (c) shall take effect upon the passage, approval and publication of this Ordinance as provided by law. The rates established in subsections (a), (b) and (c) shall be increased by 25.33%, each year thereafter for the next three (3) years to account for increased costs incurred for purchasing water and maintaining the Village's waterworks system. Thereafter, as rate adjustments are enacted by the Village of Dixmoor to account for any increased costs of purchasing water and maintaining the Village's waterworks system, said adjustments shall be automatically passed on to the Dixmoor water customers without further need of amendment of this section, said adjustment to go into effect starting with the first meter reading thereafter.

(e) The actual customer billing rates shall be adjusted from time to time in accordance with subsection 25-78(d) of this Code.

Section 2: Severability. 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 3: Conflict with other ordinances or laws. All Ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Effective date. This Ordinance shall be in full force and effect being on January 1, 2013, and its passage, approval and publication as provided by law.

Adopted by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois this 14th day of November, 2012 by the following roll call vote:

VOTING AYE:

VOTING NAY:

ABSENT:

APPROVED by the Village President of the Village of Dixmoor, Cook County, Illinois this
14th day of November, 2012.

Keevan A. Grimmett, Village President

ATTEST:

Juanita Darden, Village Clerk

(65 ILCS 5/11-129-6) (from Ch. 24, par. 11-129-6)

Sec. 11-129-6. Rates charged for water by such a municipality shall be sufficient at all times to pay the cost of operation and maintenance, to provide an adequate depreciation fund, and to pay the principal of and interest upon all revenue bonds issued under this Division 129. The holder of such a bond, or of any of its coupons, in any civil action mandamus, injunction or other proceeding, may enforce and compel performance of all duties required by this Division 129 including the making and collecting of sufficient water rates for the specified purposes and the proper application of the income therefrom.

(Source: P.A. 83-345.)

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 18, MOTOR VEHICLES AND TRAFFIC, TO ADD A NEW ARTICLE VIII AS PART OF THE DIXMOOR CODE OF ORDINANCES

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois;

WHEREAS, pursuant to Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2), the Corporate Authorities may, as part of its general powers over streets and public, regulate the use of public streets, and through the general police powers granted to all municipalities in Illinois;

WHEREAS, pursuant to Section 11-208.7 of the Illinois Vehicle Code (625 ILCS 5/11-208.7), the Corporate Authorities may provide by ordinance procedures for the release of properly impounded vehicles and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle;

WHEREAS, the Village has determined that authorizing the Village such an administrative fee will protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, the Illinois Vehicle Code (625 ILCS 5/4-201 et. seq.), provides a comprehensive system for the towing of vehicles that are abandoned, lost, stolen, disabled, or unclaimed or used for certain unlawful purposes;

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

Section 1: Chapter 18 is hereby amended by adding a new Article VIII, Administrative Towing and Impoundment of Motor Vehicles, thereto to read as follows:

Article VIII: Administrative Towing And Impoundment of Motor Vehicles.

Section 18-200. Illinois Vehicle Code Adopted By Reference. *The Village adopts the provisions of 625 ILCS 5/4-201 through 625 ILCS 5/4-214 and 625 ILCS 5/11-208.7 as the basic regulations to be applied by the Police Department in arranging for motor vehicles described therein to be removed from the public streets of the Village.*

Section 18-201. Levy of Administrative Fee. *Any motor vehicle operated or used, with the express or implied consent or permission of the registered owner of record or lessee (as registered with the Illinois Secretary of State), during the commission of, or in furtherance of any one or more violations set forth in Section 18-202, shall be subject to seizure and impoundment by the Village, and the registered owner or lessee of said motor vehicle shall be liable to the Village for payment of an administrative fee in the amount of five hundred dollars (\$500.00), in addition to any towing and storage fee, per vehicle, per tow.*

Section 18-202. Violations or Offenses Subject to Levy of Administrative Fee. The provisions of this Article VIII shall apply only to motor vehicles seized and impounded for the following violations:

- (a) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961;**
- (b) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code;**
- (c) 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;**
- (d) 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;**
- (e) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, Unlawful Use of Weapon, Section 24-1.5, Reckless Discharge of a Firearm, or Section 24-3.1, Unlawful Possession of Firearms and Firearms Ammunition of the Criminal Code of 1961;**
- (f) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code, except that vehicles shall not be subjected to impoundment if the suspension is for an unpaid citation (moving or parking) or due to failure to comply with emission testing;**
- (g) 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 Substance Act;**
- (h) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than one year;**
- (i) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 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 the person's age;**
- (j) 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 Illinois Vehicle Code;**
- (k) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16, Theft and Related Offenses or Article 16A, Retail Theft of the Criminal Code of 1961;**

- (l) *Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code Code of 1961 shall subject the owner to an administrative fee of \$500.00 when it also involves the operation or use of a motor vehicle.*

Section 18-203. Applicability; Existing Regulations Not Abrogated. *This Article VIII and the fees described therein shall not apply to a simple traffic accident, roadway breakdown or if at the time of the offense, the vehicle used in the violation was stolen or otherwise operated without the knowledge and express or implied consent of the registered owner, and verified proof of the theft was provided to the Village. This Article shall be in addition to and shall not replace or otherwise abrogate any existing state or federal law or Village ordinance that relates to the seizure and/or impoundment of motor vehicles, and any penalty provided in this Article VIII shall be in addition to any and all penalties that may be assessed or imposed by a court for violation of any criminal offense or local ordinance violation offense.*

Section 18-204. Impound. *No towing company or tow operator shall release any vehicle towed at the request of the Dixmoor Police Department to the owner, lessee, lienholder or any person unless that person shall first provide a receipt to the towing company or tow operator demonstrating that all administrative fees and towing and storage charges have been paid in full, or a written decision or order from the Village's duly designated administrative hearing officer overturning the basis for the vehicle impoundment and certifying that the fees do not apply to the towing of this particular vehicle.*

Section 18-205. Violation of Article VIII. *No person or company shall violate any provision of this Article VIII. Any person or company found guilty of violating any provision of this Article VIII shall be fined two hundred fifty dollars (\$250.00) and shall further be liable to the Village for any unpaid portion of any administrative fee charged on any vehicle. In addition to any fine or charge imposed by this Section 18-205, any tow company or tow operator found guilty of violating any provision of this Article VIII shall lose the right to conduct tows within the Village for a period of three (3) months for the first offense, for a period of six (6) months for a second offense, and permanently for any third or subsequent offense.*

Section 18-206: Notice and Procedures for Seizures and Impoundment.

- (a) *Whenever a police officer has cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Article VIII, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. At the time the vehicle is towed, the police officer shall notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, and of the vehicle owner's or lessee's right to request an administrative hearing to be conducted under this Article VIII.*
- (b) *If the owner or lessee is present at the scene, the police officer shall inform the owner or lessee that he or she has a right to make a written request for a preliminary vehicle impoundment hearing within forty-eight (48) hours of the seizure in accordance with the provisions of Section 18-208 of this Article. If the owner or lessee of the vehicle is not present at the scene, the Village shall send the owner or lessee written notice of the seizure and impoundment by certified mail, return receipt requested at the address listed on the owner or lessee's vehicle registration within twenty-four (24) hours of impoundment,*

excluding Saturdays, Sundays or holidays. Said written notice shall inform the owner or lessee that he or she has the right to request a preliminary vehicle impoundment hearing within forty-eight (48) of the owner or lessee's receipt of the notice in accordance with the provisions of Section 18-208 of this Article.

- (c) The Village shall also provide notice that the motor vehicle shall be impounded pending completion of the administrative hearing provided for in this Article VIII, unless the owner or lessee of the vehicle or a lienholder posts with the Village a cash bond equal to the administrative fee and pays all towing and storage charges as set forth in Section 18-207.

Section 18-207. Posting Bond. If a cash bond equal to the administrative fee is posted with the Village and all towing and storage charges are paid, or if payment is made by money order or certified check in the amount of \$500.00, plus all towing and storage charges, the impounded vehicle shall be released to the owner or lessee of record. If an administrative fee is imposed pursuant to this Article VIII by the administrative hearing officer, the bond applied to said fee; provided, in the event that a violation of this section is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this section 18-207 shall be held by the Village until an administrative hearing officer issues a written decision either sustaining or overruling the vehicle impoundment, or, if there is an appeal or judicial review pursuant to Section 18-210, until a reviewing court issues a final decision.

Section 18-208. Preliminary Vehicle Impoundment Hearing. If the owner of record or lessee of a vehicle seized and impounded pursuant to this Article VIII desires to appeal the seizure, said owner or lessee must make a request for a preliminary vehicle impoundment hearing within forty-eight (48) hours of the seizure if the owner or lessee was present at the scene at the time of the seizure, or within forty-eight (48) hours of receipt of written notice by the owner or lessee of the seizure if the owner or lessee was not present at the time of the seizure. Said request shall be in writing and filed with the chief of police or his designee who shall conduct such preliminary hearing within forty-eight hours after receipt of the request, excluding Saturdays, Sundays, or holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the chief of police or his designee determines by a preponderance of the evidence that the vehicle was properly subject to seizure and impoundment pursuant to this Article VIII, he shall order the continued impoundment of the vehicle as provided in this Article VIII, unless the owner or lessee of the vehicle or a lienholder posts with the Village a cash bond equal to the administrative fee of \$500.00 and pays for all towing and storage charges, or pays by money order or certified check the amount of \$500.00, plus all towing and storage charges. If the chief of police or his designee determines by a preponderance of the evidence that the vehicle was improperly seized and impounded pursuant to this Article VIII, the vehicle will be returned without penalty or other fees or charges.

Section 18-209. Final Administrative Hearing.

- (a) Notice. Unless the owner or lessee of the motor vehicle prevails at a preliminary vehicle impoundment hearing held pursuant to Section 18-208, or the owner or lessee affirmatively waives his or her right to a final administrative hearing, within ten (10) business days after a motor vehicle is seized and impounded pursuant to this Article, the Village shall notify the

registered owner or lessee of the vehicle and any lienholder of record by personal service or first class mail to the interested party's address as registered with the Illinois Secretary of State, of the date, time and location of the administrative hearing that will be conducted pursuant to this section. The notice shall state the fees that may be imposed, and that a motor vehicle not released by cash bond or other form of payment acceptable to the Village may be sold or disposed of by the Village in accordance with Chapter 4, Article II of the Illinois Vehicle Code (625 ILCS 5/4-201, et. seq.) and/or any other applicable law.

- (b) Hearing Officer, Rules of Procedure, Evidence.** *The final administrative hearing shall be scheduled and convened conducted no later than forty-five (45) days after the date of the mailing of the notice of administrative hearing, unless the owner or lessee prevailed at a preliminary vehicle impoundment hearing, affirmatively waives the administrative hearing, or the administrative hearing is continued by order of the administrative hearing officer.*
- (1)** *The administrative hearing shall be conducted and the case decided by a hearing officer appointed by the Village Board and who is an attorney licensed to practice law in Illinois for a minimum of three (3) years.*
 - (2)** *All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the administrative hearing.*
 - (3)** *The formal or technical rules of evidence shall not apply at the administrative hearing and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.*
 - (4)** *At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.*
- (c) Liability, Default Judgment, Overruling Impoundment, Costs.** *If, after the hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was properly subject to seizure and impoundment pursuant to this Article, the hearing officer shall issue a written decision finding the registered owner of record or lessee of the motor vehicle civilly liable to the Village for an administrative fee in an amount of five hundred dollars (\$500.00), plus all towing and storage fees and requiring the vehicle to continue to be impounded until the administrative fee is paid to the Village, plus towing and storage charges to the tower. If the owner of record or lessee fails to appear at the administrative hearing, the hearing officer shall issue a written default order in favor of the Village, a copy of which shall be sent to the registered owner or lessee via certified mail, return receipt requested. If the hearing officer finds by a preponderance of the evidence that the vehicle was improperly seized and impounded pursuant to this Article, the hearing officer shall issue a written decision ordering the immediate return of the owner or lessee's vehicle or cash bond without fees.*
- (d) Authority to Initiate Collection.** *If an administrative fee is imposed pursuant to this Article VIII, such fee shall constitute a debt due and owing to the Village. If a cash bond or other form of payment acceptable to the Village has been posted pursuant to this Article, such amount shall be applied to the administrative fee. If a vehicle has been impounded when such an administrative fee is imposed, the Village may seek to obtain a judgment on the debt and enforce such judgment against the registered owner or less of the vehicle as provided*

by law. Except as provided otherwise in this Section 18-209, a vehicle shall continue to be impounded until the administrative fee is paid to the Village and all towing and storage charges are paid to the tower, in which case, possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle, or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Article which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

- (e) **Vehicles Not Retrieved.** If the vehicle is not retrieved from the towing facility or storage facility and the administrative fees and towing and storage charges have not been paid within thirty-five (35) days after the administrative hearing officer issues a written decision sustaining the vehicle impoundment against the registered owner or lessee of record or ordering the registered owner or lessee to be in default for failure to appear at the administrative hearing, the vehicle shall be deemed abandoned and disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code. In all other cases, if the administrative fee and towing and storage charges are not paid within thirty-five (35) days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within thirty-days (35) after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed abandoned and disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code.
- (f) **Lienholder Foreclosure Proceedings.** Whenever a lienholder of record has commenced foreclosure proceedings, possession of the vehicle shall be given to that lienholder if said lienholder agrees in writing to refund to the Village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record and not to exceed the administrative fee, plus all towing and storage charges..

Section 18-210. Appeal. Any party may appeal a final decision of the hearing officer pursuant to the to the provisions of the Illinois Administrative Review Law as set forth fully in 735 ILCS 5/13-101 et. seq.

Section 2: Severability. 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 3: Conflict with other ordinances or laws.. All Ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Effective date. This Ordinance shall be in full force and effect from after its passage, approval and publication as provided by law.

Adopted by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois this 14th day of November, 2012 by the following roll call vote:

VOTING AYE:

Trustee Yolanda Williams-Correa
Trustee Dorothy Armstrong
Trustee Michael Smith

Trustee Juditha Smith
Trustee Fitzgerald Roberts

VOTING NAY:

NONE

ABSENT:

Trustee Yvonne Davis

14th APPROVED by the Village President of the Village of Dixmoor, Cook County, Illinois this day of November, 2012.

Keevan A. Grimmatt, Village President

ATTEST:

Juanita Darden
Juanita Darden, Village Clerk

VILLAGE OF DIXMOOR POLICE DEPARTMENT NOTICE OF VEHICLE IMPOUNDMENT

The vehicle identified below is being impounded by the Village of Dixmoor under Chapter 18, Article VIII of the Dixmoor Code of Ordinances, Administrative Towing & Impoundment of Vehicles for the following:

- ___ Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961;
- ___ Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code;
- ___ 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;
- ___ 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;
- ___ Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, Unlawful Use of Weapon, Section 24-1.5, Reckless Discharge of a Firearm, or Section 24-3.1, Unlawful Possession of Firearms and Firearms Ammunition of the Criminal Code of 1961;
- ___ Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code, except that vehicles shall not be subjected to impoundment if the suspension is for an unpaid citation (moving or parking) or due to failure to comply with emission testing;
- ___ 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 Substance Act;
- ___ Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than one year;
- ___ Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 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 the person's age;
- ___ 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 Illinois Vehicle Code;
- ___ Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16, Theft and Related Offenses or Article 16A, Retail Theft of the Criminal Code of 1961;
- ___ Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code Code of 1961 shall subject the owner to an administrative fee of \$500.00 when it also involves the operation or use of a motor vehicle.

OR # _____ DATE OF IMPOUNDMENT _____ TIME OF IMPOUNDMENT _____

Location Vehicle Towed From: _____
 Officer Seizing Vehicle: _____ Star No. _____ Watch _____
 Owner's Name: _____ Owner at scene at time of seizure: No _____ Yes _____ Initials: _____
 Owner's Address: _____ City: _____ State: _____ Zip Code: _____
 Arrestee's Name: _____ City: _____ State: _____ Zip Code: _____
 Arrestee at time of seizure: Driver _____ Passenger _____

VEHICLE INFORMATION

Vehicle's VIN: _____ Make: _____ Color: _____ Body Style: _____
 Lic. Plate No: _____ State: _____ Exp. Date: _____

Under penalties of perjury by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Issuing Officer

IMPOUNDMENT HEARING:

Date/Time: _____
 Location: _____
 Dixmoor Village Hall
 170 West 145th Street
 Dixmoor, IL 60426

Vehicle Owner Notified By:

[] Notified by Officer _____ Initial _____
 Date/Time: _____
 [] Notified by certified mail _____ Initial _____
 Date/Time: _____

DIXMOOR CODE OF ORDINANCES:

Chapter 18, Article VIII: Administrative Towing And Impoundment of Motor Vehicles.

NOTICE OF VEHICLE RELEASE AND HEARING INFORMATION & RIGHTS OF OWNER

Section 18-200. Illinois Vehicle Code Adopted By Reference. The Village adopts the provisions of 625 ILCS 5/4-201 through 625 ILCS 5/4-214 and 625 ILCS 5/11-208.7 as the basic regulations to be applied by the Police Department in arranging for motor vehicles described therein to be removed from the public streets of the Village.

Section 18-201. Levy of Administrative Fee. Any motor vehicle operated or used, with the express or implied consent or permission of the registered owner of record or lessee (as registered with the Illinois Secretary of State), during the commission of, or in furtherance of any one or more violations set forth in Section 18-202, shall be subject to seizure and impoundment by the Village, and the registered owner or lessee of said motor vehicle shall be liable to the Village for payment of an administrative fee in the amount of five hundred dollars (\$500.00), in addition to any towing and storage fee, per vehicle, per tow.

Section 18-202. Violations or Offenses Subject to Levy of Administrative Fee. The provisions of this Article VIII shall apply only to motor vehicles seized and impounded for the following violations:

- (a) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961;
- (b) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code;
- (c) 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;
- (d) 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;
- (e) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, Unlawful Use of Weapon, Section 24-1.5, Reckless Discharge of a Firearm, or Section 24-3.1, Unlawful Possession of Firearms and Firearms Ammunition of the Criminal Code of 1961;
- (f) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code, except that vehicles shall not be subjected to impoundment if the suspension is for an unpaid citation (moving or parking) or due to failure to comply with emission testing;
- (g) 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 Substance Act;
- (h) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than one year;
- (i) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 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 the person's age;
- (j) 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 Illinois Vehicle Code;
- (k) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16, Theft and Related Offenses or Article 16A, Retail Theft of the Criminal Code of 1961;
- (l) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 shall subject the owner to an administrative fee of \$500.00 when it also involves the operation or use of a motor vehicle.

Section 18-203. Applicability; Existing Regulations Not Abrogated. This Article VIII and the fees described therein shall not apply to a simple traffic accident, roadway breakdown or if at the time of the offense, the vehicle used in the violation was stolen or otherwise operated without the knowledge and express or implied consent of the registered owner, and verified proof of the theft was provided to the Village. This Article shall be in addition to and shall not replace or otherwise abrogate any existing state or federal law or Village ordinance that relates to the seizure and/or impoundment of motor vehicles, and any penalty provided in this Article VIII shall be in addition to any and all penalties that may be assessed or imposed by a court for violation of any criminal offense or local ordinance violation offense.

Section 18-204. Impound. No towing company or tow operator shall release any vehicle towed at the request of the Dixmoor Police Department to the owner, lessee, lienholder or any person unless that person shall first provide a receipt to the towing company or tow operator demonstrating that all administrative fees and towing and storage charges have been paid in full, or a written decision or order from the Village's duly designated administrative hearing officer overturning the basis for the vehicle impoundment and certifying that the fees do not apply to the towing of this particular vehicle.

Section 18-205. Violation of Article VIII. No person or company shall violate any provision of this Article VIII. Any person or company found guilty of violating any provision of this Article VIII shall be fined two hundred fifty dollars (\$250.00) and shall further be liable to the Village for any unpaid portion of any administrative fee charged on any vehicle. In addition to any fine or charge imposed by this Section 18-205, any tow company or tow operator found guilty of violating any provision of this Article VIII shall lose the right to conduct tows within the Village for a period of three (3) months for the first offense, for a period of six (6) months for a second offense, and permanently for any third or subsequent offense.

Section 18-206: Notice and Procedures for Seizures and Impoundment.

- (a) Whenever a police officer has cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Article VIII, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. At the time the vehicle is towed, the police officer shall notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, and of the vehicle owner's or lessee's right to request an administrative hearing to be conducted under this Article VIII.
- (b) If the owner or lessee is present at the scene, the police officer shall inform the owner or lessee that he or she has a right to make a written request for a preliminary vehicle impoundment hearing within forty-eight (48) hours of the seizure in accordance with the provisions of Section 18-208 of this Article. If the owner or lessee of the vehicle is not present at the scene, the Village shall send the owner or lessee written notice of the seizure and impoundment by certified mail, return receipt requested at the address listed on the owner or lessee's vehicle registration within twenty-four (24) hours of impoundment, excluding Saturdays, Sundays or holidays. Said written notice shall inform the owner or lessee that he or she has the right to request a preliminary vehicle impoundment hearing within forty-eight (48) of the owner or lessee's receipt of the notice in accordance with the provisions of Section 18-208 of this Article.
- (c) The Village shall also provide notice that the motor vehicle shall be impounded pending completion of the administrative hearing provided for in this Article VIII, unless the owner or lessee of the vehicle or a lienholder posts with the Village a cash bond equal to the administrative fee and pays all towing and storage charges as set forth in Section 18-207.

Section 18-207. Posting Bond. If a cash bond equal to the administrative fee is posted with the Village and all towing and storage charges are paid, or if payment is made by money order or certified check in the amount of \$500.00, plus all towing and storage charges, the impounded vehicle shall be released to the owner or lessee of record. If an administrative fee is imposed pursuant to this Article VIII by the administrative hearing officer, the bond applied to said fee; provided, in the event that a violation of this section is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this section 18-207 shall be held by the Village until an administrative hearing officer issues a written decision either sustaining or overruling the vehicle impoundment, or, if there is an appeal or judicial review pursuant to Section 18-210, until a reviewing court issues a final decision.

Section 18-208. Preliminary Vehicle Impoundment Hearing. If the owner of record or lessee of a vehicle seized and impounded pursuant to this Article VIII desires to appeal the seizure, said owner or lessee must make a request for a preliminary vehicle impoundment hearing within forty-eight (48) hours of the seizure if the owner or lessee was present at the scene at the time of the seizure, or within forty-eight (48) hours of receipt of written notice by the owner or lessee of the seizure if the owner or lessee was not present at the time of the seizure. Said request shall be in writing and filed with the chief of police or his designee who shall conduct such preliminary hearing

within forty-eight hours after receipt of the request, excluding Saturdays, Sundays, or holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the chief of police or his designee determines by a preponderance of the evidence that the vehicle was properly subject to seizure and impoundment pursuant to this Article VIII, he shall order the continued impoundment of the vehicle as provided in this Article VIII, unless the owner or lessee of the vehicle or a lienholder posts with the Village a cash bond equal to the administrative fee of \$500.00 and pays for all towing and storage charges, or pays by money order or certified check the amount of \$500.00, plus all towing and storage charges. If the chief of police or his designee determines by a preponderance of the evidence that the vehicle was improperly seized and impounded pursuant to this Article VIII, the vehicle will be returned without penalty or other fees or charges.

Section 18-209. Final Administrative Hearing.

- (a) **Notice.** Unless the owner or lessee of the motor vehicle prevails at a preliminary vehicle impoundment hearing held pursuant to Section 18-208, or the owner or lessee affirmatively waives his or her right to a final administrative hearing, within ten (10) business days after a motor vehicle is seized and impounded pursuant to this Article, the Village shall notify the registered owner or lessee of the vehicle and any lienholder of record by personal service or first class mail to the interested party's address as registered with the Illinois Secretary of State, of the date, time and location of the administrative hearing that will be conducted pursuant to this section. The notice shall state the fees that may be imposed, and that a motor vehicle not released by cash bond or other form of payment acceptable to the Village may be sold or disposed of by the Village in accordance with Chapter 4, Article II of the Illinois Vehicle Code (625 ILCS 5/4-201, et. seq.) and/or any other applicable law.
- (b) **Hearing Officer, Rules of Procedure, Evidence.** The final administrative hearing shall be scheduled and convened no later than forty-five (45) days after the date of the mailing of the notice of administrative hearing, unless the owner or lessee prevailed at a preliminary vehicle impoundment hearing, affirmatively waives the administrative hearing, or the administrative hearing is continued by order of the administrative hearing officer.
- (1) The administrative hearing shall be conducted and the case decided by a hearing officer appointed by the Village Board and who is an attorney licensed to practice law in Illinois for a minimum of three (3) years.
 - (2) All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the administrative hearing.
 - (3) The formal or technical rules of evidence shall not apply at the administrative hearing and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
 - (4) At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.
- (c) **Liability, Default Judgment, Overruling Impoundment, Costs.** If, after the hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was properly subject to seizure and impoundment pursuant to this Article, the hearing officer shall issue a written decision finding the registered owner of record or lessee of the motor vehicle civilly liable to the Village for an administrative fee in an amount of five hundred dollars (\$500.00), plus all towing and storage fees and requiring the vehicle to continue to be impounded until the administrative fee is paid to the Village, plus towing and storage charges to the owner. If the owner of record or lessee fails to appear at the administrative hearing, the hearing officer shall issue a written default order in favor of the Village, a copy of which shall be sent to the registered owner or lessee via certified mail, return receipt requested. If the hearing officer finds by a preponderance of the evidence that the vehicle was improperly seized and impounded pursuant to this Article, the hearing officer shall issue a written decision ordering the immediate return of the owner or lessee's vehicle or cash bond without fees.
- (d) **Authority to Initiate Collection.** If an administrative fee is imposed pursuant to this Article VIII, such fee shall constitute a debt due and owing to the Village. If a cash bond or other form of payment acceptable to the Village has been posted pursuant to this Article, such amount shall be applied to the administrative fee. If a vehicle has been impounded when such an administrative fee is imposed, the Village may seek to obtain a judgment on the debt and enforce such judgment against the registered owner or less of the vehicle as provided by law. Except as provided otherwise in this Section 18-209, a vehicle shall continue to be impounded until the administrative fee is paid to the Village and all towing and storage charges are paid to the owner, in which case, possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle, or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Article which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- (e) **Vehicles Not Retrieved.** If the vehicle is not retrieved from the towing facility or storage facility and the administrative fees and towing and storage charges have not been paid within thirty-five (35) days after the administrative hearing officer issues a written decision sustaining the vehicle impoundment against the registered owner or lessee of record or ordering the registered owner or lessee to be in default for failure to appear at the administrative hearing, the vehicle shall be deemed abandoned and disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code. In all other cases, if the administrative fee and towing and storage charges are not paid within thirty-five (35) days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within thirty-days (35) after an action seeking administrative review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed abandoned and disposed of in accordance with the provisions of Article II, Chapter 4 of the Illinois Vehicle Code.
- (f) **Lienholder Foreclosure Proceedings.** Whenever a lienholder of record has commenced foreclosure proceedings, possession of the vehicle shall be given to that lienholder if said lienholder agrees in writing to refund to the Village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record and not to exceed the administrative fee, plus all towing and storage charges.

Section 18-210. Appeal. Any party may appeal a final decision of the hearing officer pursuant to the to the provisions of the Illinois Administrative Review Law as set forth fully in 735 ILCS 5/13-101 et. seq.