

PUBLICATION OF:

ORDINANCE NO. 23-010

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 77, SECTION 77.19
OF THE SCHAUMBURG VILLAGE CODE
RELATIVE TO VEHICLE SEIZURE AND IMPOUNDMENT**

ADOPTED: JANUARY 24, 2023

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF SCHAUMBURG ON JANUARY 25, 2023**

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RELATIVE TO VEHICLE SEIZURE AND IMPOUNDMENT**

WHEREAS, the Village of Schaumburg, as a home rule unit of local government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, under the Illinois Criminal Code, fleeing or attempting to elude a peace officer occurs when any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring their vehicle to a stop, willfully fails or refuses to obey such direction, increases their speed, extinguishes their lights, or otherwise flees or attempts to elude the officer, as specifically authorized by 625 ILCS 5/11-204; and

WHEREAS, the Village of Schaumburg has experienced an increase in motor vehicle fleeing and eluding incidents; and

WHEREAS, the Village, in its interest to protect the public from persons using vehicles in connection with fleeing and eluding peace officers, intends to expand and clarify its procedures for seizing and impounding such vehicles, as specifically authorized by the Illinois Vehicle Code, 625 ILCS 5/11-208.7, and pursuant to its home rule powers; and

WHEREAS, amendments to the Schaumburg Village Code, Title 7, Chapter 77, Section 77.19, are necessary to reflect these desired changes; and

WHEREAS, the President and Board of Trustees of the Village of Schaumburg have determined that so amending the Village Code is in the best interest of the Village;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:

SECTION ONE: The recitals above shall be and are hereby incorporated in this Section 1 as if fully set forth herein.

SECTION TWO: Title 7, Chapter 77, Section 77.19, Subsection (A) of the Schaumburg Village Code is hereby amended to be and read as follows; **BEAINED ECTOPM PME**
“§ 77.19 - VEHICLE SEIZURE AND IMPOUNDMENT.

(A) Definitions:

(1) “Administrative Fee” is:

ORDINANCE NO. 23-010

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 77, SECTION 77.19
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RELATIVE TO VEHICLE SEIZURE AND IMPOUNDMENT**

- (a) the amount of five hundred dollars (\$500.00) to compensate the Village for its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage and release of a vehicle used in connection with a Violation; or
 - (b) the amount of nine hundred dollars (\$900.00) to compensate the Village for its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage and release of a vehicle used in connection with a Fleeing and Eluding Violation.
- (2) “Cash Bond” is:
 - (a) is the amount of five hundred dollars (\$500.00) payable to the Village in a form acceptable to the Village, which is posted with the Village to permit the police department to release a vehicle pending disposition at a hearing on a Violation.
 - (b) is the amount of nine hundred dollars (\$900.00) payable to the Village in a form acceptable to the Village, which is posted with the Village to permit the police department to release a vehicle pending disposition at a hearing on a Fleeing and Eluding Violation.
- (3) “Fleeing and Eluding Violation” is any violation listed in 625 ILCS 5/11-204 or 625 ILCS 5/11-204.1.
- (4) “Hearing Officer” is a licensed Illinois attorney for a minimum of 3 years person, who is appointed by the Village manager and shall have authority to preside over administrative hearings, record hearings, administer oaths, issue subpoenas for the attendance and testimony of witnesses and production of relevant books and papers, cause and hear testimony, accept relevant evidence, and make final determinations of violation liability.
- (5) “Lienholder” or “Lienholder of Record” of a vehicle is the lienholder, as registered with the Secretary or State.
- (6) “Owner” or “Owner of Record” of a vehicle is the record title holder, as registered with the Secretary of State.
- (7) “Tower” is any person, firm or entity that tows and stores impounded vehicles for the police department.
- (8) “Violation” is any of the following:

ORDINANCE NO. 23-010

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 77, SECTION 77.19
OF THE SCHAUMBURG VILLAGE CODE
RELATIVE TO VEHICLE SEIZURE AND IMPOUNDMENT**

- (a) Any violation listed in 625 ILCS 5/11-208.7,
- (b) Any misdemeanor or felony offense in violation of the Illinois Criminal Codes of 1961 or 2012, and
- (c) Any violation for which impoundment is required or authorized by the Illinois Vehicle Code.

SECTION THREE: That this Ordinance shall be in full force and effect, after passage, approval and publication as required by law.

AYES: (6) Trustee: (6) Bieschke, Madej, Dunham, Sullivan, Clar, Patel

NAYS: (0) None


ABSENT: (0) None

ADOPTED this _____ 24th _____ this day of _____ January, 2023.



Village President

ATTEST:



Village Clerk