

Ordinance No. 11/12 - 11
VILLAGE OF BRADFORD,
Stark County, Illinois

**AN ORDINANCE ESTABLISHING OFFENSES AND PROCEDURES
FOR THE SEIZURE AND IMPOUND OF MOTOR VEHICLES
IN THE VILLAGE OF BRADFORD**

WHEREAS, the President and Village Board of the Village of Bradford, Stark County, Illinois, in an effort to reduce illegal drug activity, illegal firearm activity, offenses relating to driving under the influence and offenses involving driving with valid operating license within the Village of Bradford, hereby supplements the criminal laws with civil penalty; and

WHEREAS, the penalty set forth herein is intended to act as a deterrent; to persuade vehicle owners and operators to refrain from illegal activity in the vehicle and to ask borrowers question about the uses to which the vehicle will be put, and to refrain from lending the vehicle whenever the owner has misgivings about items that may find a temporary home in the vehicle;

NOW, THEREFORE, Be It Ordained by the President and Village Board of the Village of Bradford, Stark County, Illinois, as follows:

Section 1. Offenses Leading to Seizure and Impoundment: A motor vehicle used in violation of the statutes hereafter set forth shall be subject to seizure and impoundment under this section.

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| 625 ILCS 5/11-204 | Fleeing or attempting to elude a police officer; |
| 625 ILCS 5/11-204.1 | Aggravated fleeing or attempting to elude a police officer; |
| 625 ILCS 5/11-401(a) | Leaving the scene of an accident - death or injury or (b) Leaving the scene-failure to report-felony; |
| 625 ILCS 5/11-402 (a) | Leaving the scene of an accident - vehicle damage; |
| 625 ILCS 5/11-403 | failure to give aid or information; |
| 625 ILCS 5/11-404 | failure to give information after striking unattended vehicle or other property; |
| 625 ILCS 5/11-407 | failure to report accident to police authority; |
| 625 ILCS 5/11-501 | DUI; |

- 625 ILCS 5/11-503** Reckless Driving;
- 625 ILCS 5/6-303** Driving with a Suspended or Revoked Drivers' License;
- 625 ILCS 5/6-101** Driving with No Valid License, but not in cases where the driver has a valid drivers' license but the driver does not have the license on his or her person;
- 625 ILCS 5/3-702** Suspended or Revoked Registration Plate;

Any felony for which seizure is authorized under the Illinois Criminal Code of 1961, 5/36-1 (720 ILCS 5/36-1);

Any violation of Article IV of the Illinois Controlled substance Act (720 ILCS 570 Article IV);

Any violation of the Illinois Cannabis Control Act (720 ILCS 550);

Any violation of Article 24 (Deadly Weapons) of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/24-1 *et seq.*).

Section 2. PENALTIES:

The owner of record of such vehicle shall be liable to the Village of Bradford for:

(A) A penalty of \$250.00 for a violation of 625 ILCS 5/6-101, 625 ILCS 5/6-303 when the driver is driving with a suspended drivers' license; 625 ILCS 5/3-702 when the driver is driving a vehicle with suspended registration plates;

(B) A penalty of \$500.00 for a violation of 625 ILCS 5/11-204, 5/11-204.1, 5/11-401 (a), 5/11-402(a), 5/11-403, 5/11-404, 5/11-407, 5/11-501, 5/11-503 625 ILCS 5/6-303 when the driver is driving with a revoked drivers' license; or 625 ILCS 5/3-702 when the driver is driving a vehicle with revoked registration plates, or when used in the commission of any felony for which seizure is authorized under the Illinois Criminal Code of 1961, 5/36-1 (720 ILCS 5/36-1); or in the commission of any violation of Article IV of the Illinois Controlled Substance Act (720 ILCS 570 Article IV) or in the commission of any violation of the Illinois Cannabis Control Act (720 ILCS 550) or any violation of Article 24 (Deadly Weapons) of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/24-1 *et seq.*)

(C) In addition to the above penalties, \$10 release fee required for the release of any vehicle for

which forfeiture under the provisions of 720 ILCS 5/36-1 and 5/36-2 is not pending and the fees for towing and storage of the vehicle whether or not the vehicle is forfeited.

(D) Any vehicle seized or impounded pursuant to this ordinance shall be processed and may be recovered as provided below.

Section 3. REFUNDS:

The penalty set forth in the preceding subsection will be refunded by the Village in the event the person(s) charged with the offenses which lead to the seizure and impoundment of the vehicle is/are acquitted in Circuit Court of all of the offenses which led to the seizure and impounding of the vehicle. Dispositions involving court supervision are not considered acquittals under this subsection. The vehicle shall be released from impoundment to its owner if it has not already been released. The Village shall pay all applicable storage charges. Interest on amounts refunded under this subsection shall be calculated using the Illinois Funds rate administered by the Office of the Treasurer of the State of Illinois. The interest rate used shall be the monthly average for the month immediately preceding the refund, multiplied by the number of months (counting a portion of a month as one month) from the date of the seizure to the date of the refund).

Section 4. HEARINGS:

A person convicted of one or more of the underlying offenses which caused his or her vehicle to be seized and impounded pursuant to this Section may request a hearing to determine whether the vehicle was not used in violation of any of the offenses for which he or she was charged. Such request must be made in writing within 14 days of the date of the conviction or convictions. Upon receipt of such request for hearing, the Village shall file an action in Stark County Circuit Court requesting a hearing pursuant to this Section. In such hearing, the Village shall have the burden of proving, by a preponderance of the evidence, that the vehicle was used in the commission of one or more of the offenses for which the vehicle was seized and impounded. In order to ensure the right of all parties to a fair trial of the underlying criminal charges, and to avoid unnecessary involvement of the Village in state criminal charges, the Village will not file such an action in Stark County Circuit Court until after the conclusion of state criminal

proceedings at the trial level. In the event the finder of fact determines that the vehicle was not used in any of the underlying criminal offenses which led to the seizure and impoundment of the vehicle, the Village shall refund penalties in the manner set forth.

Section 5. FORFEITURE AND ABANDONMENT OF VEHICLES:

Any vehicle seized and impounded pursuant to the provisions of subsections shall be forfeited or deemed abandoned under the following conditions:

(A) Forfeiture:

If after conviction of the underlying criminal offense or after a decision that the vehicle was used in the commission of the underlying offense, the penalties as set forth in remain unpaid, Village shall send written notice by certified mail to the registered owner, lien holder of other legally entitled person that the vehicle will be forfeited if the penalties are not paid within 30 days of the date of mailing said notice.

(B) Abandonment:

If after acquittal of the underlying criminal offense or after a decision that the vehicle was not used in the commission of the underlying offense, the vehicle has not been claimed, Village shall send written notice by certified mail to the registered owner, lien holder or other legally entitled person that the vehicle will be deemed abandoned if the vehicle is not claimed within 30 days of the date of mailing said notice.

Section 6. REPEAL OF CONFLICTING PROVISIONS: All ordinances or parts of ordinances in conflict herewith to the extent of such conflict are hereby repealed. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalid or unenforceable section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

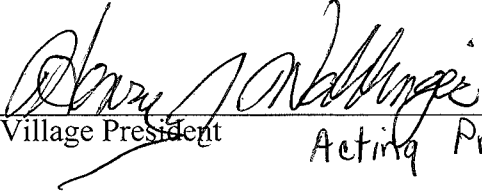
Section 7.: This ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed and Approved by the Village President and Board of Trustees of the Village of Bradford, Illinois, this 29 day of December, A.D. 2011.

Ayes: Corey Moodie, Kevin Rasmussen,
Henry Waldinger and Tony Carlton

Nays: NONE

Absent: Nick Johnson and Dave Ferman

Approved: 
Village President Acting President

ATTEST:


Village Clerk

CERTIFICATION

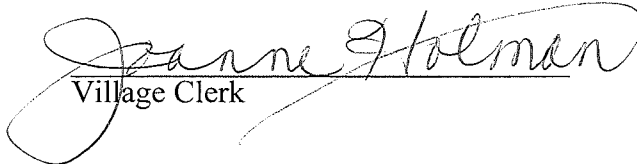
STATE OF ILLINOIS,)
COUNTY OF STARK,) SS.
VILLAGE OF BRADFORD)

I, the undersigned, Clerk of the **VILLAGE OF BRADFORD**, in the County of Stark and State of Illinois, do hereby Certify that the attached and foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of the Village Board of said Village held the 29 day of Dec., A.D. 2011, insofar as the same relates to the adoption of the following Ordinance entitled **“AN ORDINANCE ESTABLISHING OFFENSES AND PROCEDURES FOR THE SEIZURE AND IMPOUND OF MOTOR VEHICLES”** a true and accurate copy of said Ordinance being attached hereto.

I do further certify each member of the Village Board was given notice of said meeting in accordance with the procedural rules of the Village; that the deliberations of the Village Board were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a time and place convenient to the public after strict compliance with all requirements of "An Act In Relation To Meetings" approved July 11, 1957, as amended (the Open Meetings Act), and that the Village Board has complied with all other applicable laws, ordinances, regulations and procedures in the adoption of said ordinance.

Dated this 29 day of December A.D. 2011.

(CORPORATE SEAL)


Village Clerk