

090479

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

DISTRICT # _____
 Resolution or Ordinance (Blue) _____
 Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE : August 4, 2009 B of T : August 20, 2009

SUBJECT: An Ordinance Amending Title VII, Chapter 75 of the Village Code in Regard to Seizure and Impoundment of Motor Vehicles.

SUBMITTED BY: Raymond J. Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS: This ordinance will amend section 75.02 of the Village Code which relates to the seizure and impoundment of motor vehicles (administrative towing ordinance). The amendment makes no substantive change to the existing ordinance. Rather, it specifically provides for individual section numbers for each of the previously designated offenses which would qualify a vehicle for seizure and impoundment. This specificity of individual section numbers will make it easier for the police department to keep track of the number and type of offenses for which vehicles are being towed. The ordinance was prepared by Assistant Village Attorney George Wagner. A waiver of first reading is requested since there is no substantive change to the existing ordinance and the program is already underway.

Fiscal Impact/Funding Source: None.

Review (as necessary):

Finance Director _____

Village Manager _____

Date _____

Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda distribution.

**AN ORDINANCE AMENDING TITLE VII, CHAPTER 75,
OF THE VILLAGE OF LOMBARD VILLAGE CODE IN REGARD TO
SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES**

ORDINANCE NO. _____

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the subsections in Section 75.02, entitled "Public Nuisance Declared," are deleted and the following subsections inserted to include numerical references to the specific violations, to be and read as follows:

- (A) A violation of
 1. Section 130.30 (Firearms) of this Code, as amended, or
 2. Section 10-5-2 (Driving Under the Influence) of the Lombard Traffic Code (Ordinance No. 1186), as amended;
- (B) A violation of 625 ILCS 5/6-303 (Driving While Driver's License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked), as amended, except where said violation is in regard to a person whose driver's license, permit or privilege to operate a motor vehicle is suspended only for a violation of the emissions inspection laws as set forth in 625 ILCS 5/13C-1, *et seq.*, as amended;

- (C) A violation of
 1. 625 ILCS 5/11-204 (Fleeing or Attempting to Elude a Peace Officer), as amended;
 2. 625 ILCS 5/11-401 (Motor Vehicle Accidents Involving Death or Personal Injuries), as amended;
 3. 625 ILCS 5/11-402 (Motor Vehicle Accident Involving Damage to Vehicle), as amended;
 4. 625 ILCS 5/11-403 (Duty to Give Information and Render Aid), as amended;
 5. 625 ILCS 5/11-404 (Duty Upon Damaging Unattended Vehicle or Other Property), as amended;
 6. 625 ILCS 5/11-501 (Driving Under the Influence of Alcohol, Other Drug or Drugs, Intoxicating Compound or Compounds or any Combination Thereof), as amended;
 7. 625 ILCS 5/11-503 (Reckless Driving or Aggravated Reckless Driving), as amended;

or

(E) A violation of

16. 720 ILCS 5/25-1 (Mob Action), as amended;
15. 720 ILCS 5/21-1 (Criminal Damage to Property), as amended; or
14. 720 ILCS 5/20-2 (Possession of Explosives or Incendiary Devices), as amended;
13. 720 ILCS 5/20-1.1 (Aggravated Arson), as amended;
12. 720 ILCS 5/20-1 (Arson), as amended;
11. 720 ILCS 5/19-3 (Residential Burglary), as amended;
10. 720 ILCS 5/19-1 (Burglary), as amended;
9. 720 ILCS 5/18-2 (Armed Robbery), as amended;
8. 720 ILCS 5/18-1 (Robbery);
7. 720 ILCS 5/16A-3 (Retail Theft), as amended, when the value of the merchandise exceeds one hundred and fifty and no/100 dollars (\$150.00);
6. 720 ILCS 5/12-4.6 (Aggravated Battery of a Senior Citizen), as amended;
5. 720 ILCS 5/12-4.3 (Aggravated Battery of a Child), as amended;
4. 720 ILCS 5/12-4.2 (Aggravated Battery with a Firearm), as amended;
3. 720 ILCS 5/12-4 (Aggravated Battery), as amended;
2. 720 ILCS 5/12-2 (Aggravated Assault), as amended;
1. 720 ILCS 5/11-6 (Indecent Solicitation of a Child), as amended;

(D) A violation of

9. The stopping of a person against whom a warrant has been issued by a circuit court for failing to appear to answer charges that the person was
 - (a) operating a motor vehicle while that person's license was suspended or revoked in violation of 625 ILCS 5/6-303), as amended; or
 - (b) operating a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof in violation of 625 ILCS 5/11-501, as amended;
8. 625 ILCS 5/11-506 (Street Racing), as amended, or

- (I) The motor vehicle is otherwise subject to seizure and impoundment pursuant to 720 ILCS 5/36-1 (Seizure), as amended; or
6. 720 ILCS 5/11-18.1 (Patronizing a Juvenile Prostitute), as amended;
 5. 720 ILCS 5/11-18 (Patronizing a Prostitute), as amended; or
 4. 720 ILCS 5/11-15.1 (Soliciting for a Juvenile Prostitute), as amended;
 3. 720 ILCS 5/11-15 (Soliciting for a Prostitute), as amended;
 2. 720 ILCS 5/11-14.1 (Solicitation of a Sexual Act), as amended;
 1. 720 ILCS 5/11-14 (Prostitution), as amended;
- (H) A violation of
4. This subsection shall not apply when any of the exemptions set forth in 720 ILCS 5/24-2, as amended, are met;
 3. 720 ILCS 5/24-3.3 (Unlawful Sale or Delivery of Firearms on the Premises of any School), as amended;
 2. 720 ILCS 5/24-3.1 (Unlawful Possession of Firearms and Firearm Ammunition), as amended; or
 1. 720 ILCS 5/24-1 (Unlawful Use of Weapons), as amended;
- (G) A violation of
5. 720 ILCS 550/8 (Unauthorized Production or Possession of Cannabis Sativa Plant), as amended;
 4. 720 ILCS 550/5.2 (Delivery of Cannabis on School Grounds), as amended; or
 3. 720 ILCS 550/5.1 (Cannabis Trafficking), as amended;
 2. 720 ILCS 550/5 (Manufacture or Delivery of Cannabis), as amended;
 1. 720 ILCS 550/4(d) (Possession of More than 30 Grams of Any Substance Containing Cannabis), as amended;
- (F) A violation of
3. 720 ILCS 570/402 (Possession of a Controlled Substance), as amended;
 2. 720 ILCS 570/401.1 (Controlled Substance Trafficking), as amended; or
 1. 720 ILCS 570/401 (Manufacture or Delivery of a Controlled Substance), as amended;

(j) A violation of 625 ILCS 5/6-101 (Drivers Must Have Licenses or Permits), as amended, except where the violation is for a license which has been expired for less than twelve (12) months or for a license which is invalid because of curfew (as in the case of a graduated license).

SECTION 2: That this Ordinance shall be in full force and effect from and after its

passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

_____, 2009.

Passed on second reading this _____ day of _____, 2009, pursuant to a roll call vote

as follows:

AYES:

NAYS:

ABSENT:

APPROVED by me this _____ day of _____, 2009.

ATTEST: William J. Mueller, Village President

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2009.

Brigitte O'Brien, Village Clerk