

## **ORDINANCE 2018-21**

**AMENDING CHAPTER 98 TRAFFIC AND VEHICLES,  
ARTICLE XI. VEHICLE SEIZURE AND IMPOUNDMENT,  
SECTION 98-401 CONDUCT PROHIBITED TO THE  
CODE OF ORDINANCES, VILLAGE OF NILES**

**Dated: This 22<sup>th</sup> day of May, 2018**

**Published in Pamphlet Form by Authority  
of the  
President and Board of Trustees of  
the Village of Niles**

# ORDINANCE 2018-21

## AMENDING CHAPTER 98 TRAFFIC AND VEHICLES, ARTICLE XI. VEHICLE SEIZURE AND IMPOUNDMENT, SECTION 98-401 CONDUCT PROHIBITED TO THE CODE OF ORDINANCES, VILLAGE OF NILES

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

**SECTION 1:** Chapter 98 Traffic and Vehicles, Article XI. Vehicle Seizure and Impoundment, Section 98-401 of the Niles Code of Ordinances shall be amended as follows:

### CHAPTER 98 TRAFFIC AND VEHICLES

\* \* \*

### ARTICLE XI. VEHICLE SEIZURE AND IMPOUNDMENT

\* \* \*

#### **Sec. 98-401. Conduct prohibited.**

A motor vehicle that is used in connection with any of the following alleged violations may be subject to seizure and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative penalty of \$500.00 plus any applicable towing and/or storage fees. Refer to Appendix D for all fees.

- ~~(1) Driving a vehicle while in the commission of an Illinois Vehicle Code violation resulting in custodial arrest for a violation that is a Class B Misdemeanor or higher offense, or~~
- ~~(2) Driving with suspended or revoked license, as provided in Section 5/6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), or~~
- ~~(3) Driving without a valid driver's license or permit, or a restricted driving permit in accordance with Illinois Vehicle Code 625 ILCS 5/6-101 (a), (b), (c), (d) and 5/6-102 (1), (2), (3), (4), (5), (6), (7), (8) resulting in custodial arrest, or~~
- ~~(4) Driving while in illegal possession or attempting to possess any amount of any illegal or controlled substance or drug as defined by Illinois State Statute, or~~
- ~~(5) Driving while involved in prostitution, or soliciting a prostitute, soliciting a sexual act, or patronizing a prostitute, or~~
- ~~(6) Driving a vehicle that contains an unregistered firearm or a firearm that is not broken down in a nonfunctioning state, or any stun gun or taser, or~~

- ~~(7) Driving a vehicle that contains items from retail theft in accordance with ILCS 720-16A-3(a), or~~
- ~~(8) A vehicle used in a commission of a felony.~~
- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Illinois Criminal Code of 2012 (720 ILCS 5/36-1); or
- (2) 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 Niles Municipal Code or Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501); or
- (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Illinois Cannabis Control Act (720 ILCS 550/1 et seq.); or
- (4) 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 (720 ILCS 570/100 et seq.); or
- (5) 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, 24-1.5, or 24-3.1 of the Illinois Criminal Code of 1961 or the Illinois Criminal Code of 2012 (720 ILCS 5/24-1; 24-1.5, 24-3.1); or
- (6) 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 Niles Municipal Code or Section 6-303 of Illinois Vehicle Code (625 ILCS 5/6-303); except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
- (7) 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 Illinois Cannabis Control Act (720 ILCS 550/1 et seq.) or the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); or
- (8) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Niles Municipal Code or Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), if the period of expiration is greater than one-year; or
- (9) 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 Niles Municipal Code or Section 6-101 of the Illinois Vehicle Code (625 ILCS

5/6-101), or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or

(10) 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 (720 ILCS 5/ 6-101, 6-303, or 11-501; or

(11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Illinois Criminal Code of 1961 or the Illinois Criminal Code of 2012 (720 ILCS 5/16 or 16A); or

(12) 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 Illinois Criminal Code of 1961 or the Illinois Criminal Code of 2012 (720 ILCS 5/1-1 et seq.)

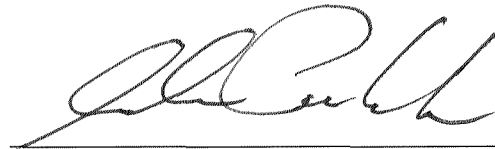
**SECTION 2:** That this Ordinance shall be in full force and effective after its passage, approval and publication in pamphlet form as provided by law.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

**SECTION 4:** That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

**APPROVED** by me this 22<sup>nd</sup> day of May, 2018.

**PASSED:** This 22<sup>th</sup> day of May, 2018  
**YEAS:** 5 Alpogianis, Jekot, Matyas, McCreery, Strzelecki  
**NAYS:** 0  
**ABSENT:** 1 LoVerde  
**ABSTAIN:** 0



President of the Village of Niles  
Cook County, Illinois

**ATTESTED AND FILED** in my office this 22<sup>nd</sup> day of May, 2018, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

  
Village Clerk