

ORDINANCE NO. 17-005

AN ORDINANCE AMENDING SECTION 78 AND CHAPTER 78, ENTITLED  
"IMPOUNDMENT OF MOTOR VEHICLES USED IN CERTAIN OFFENSES", OF  
THE CITY ORDINANCES OF THE CITY OF MONMOUTH, ILLINOIS

BE IT ORDAINED by the City Council of the City of Monmouth, Warren  
County, Illinois, as follows:

Section 1:

Section 78 of Chapter 78 of the Monmouth Code of Ordinances, entitled  
"Impoundment of Motor Vehicles used in Certain Offenses", is hereby amended to the  
City Ordinances of the City of Monmouth, Illinois, and shall include the following:

**Section 78.001        Definitions.**

For purposes of this article, the following definitions shall apply, unless the  
context clearly indicated or requires a different meaning:

*Cannabis* means any substance as defined in section 1 of the Cannabis Control  
Act (720 ILCS 550/1 et seq.) as now in force and as may be amended from time to time.

*Controlled substance* means any substance as defined and included in the  
schedule contained in Article II of the Illinois Controlled Substance Act (720 ILCS  
570/201 et seq.), as now in force and as may be amended from time to time.

*Driving under the influence* means any violation as defined in section 11-501 of  
the Illinois Vehicle Code (625 ILCS 5/11-501) as now in force and as may be amended  
from time to time.

*Driving while driver's license, permit or privilege to operate a motor vehicle is  
suspended or revoked* means any violation as defined in section 6-303 of the Illinois  
Vehicle Code (625 ILCS 5/6-303), as now in force and as may be amended from time to  
time.

*Drug paraphernalia* means any equipment, product, and/or materials as defined in  
section 2 of the Drug Paraphernalia Act (720 ILCS 600/2), as now in force and as may be  
amended from time to time.

*Fleeing and attempting to elude a police officer* means any offenses as defined in  
section 5/11-204 or 5/11-204.1 of the Illinois Vehicle Code (625 ILCS 5/11-204 and  
5/11-204.1), as now in force and as may be amended from time to time.

*Hearing officer* means a person selected by the city to conduct hearings. The person shall be an attorney licensed to practice law in the State of Illinois, but shall not be an employee of the city.

*Motor vehicle* shall have the meaning ascribed to it in chapter 70 of the Monmouth Municipal Code.

*Owner* means the record title holder of a motor vehicle as shown on the records of the Secretary of State of registration of the vehicle.

*No Valid Drivers License* means a violation as defined in section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101) so long as the violation was the result of the driver never having been issued a driver's license or the driver having failed to renew his or her license after said license has been expired for more than one (1) year.

*Suspended Registration* means a violation as defined in Section 3-702 and 3-708 of the Illinois Vehicle Code (625 ILCS 5/3-702 and 3-708).

*Unlawful use of weapons* means a violation of section 24-1(a)(4) of the Illinois Criminal Code (720 ILCS 5/24-1(a)(4)).

#### **Section 78.002          Seizure and impoundment of vehicles.**

(a) A motor vehicle is subject to seizure and impoundment under this article if such motor vehicle is used in the commission of any of the following:

- (1) The possession or delivery of a control substance, possession of drug paraphernalia, (excluding paraphernalia used for cannabis purposes) and possession of Cannabis having a weight equal to or greater than 10 grams;
- (2) Driving under the influence;
- (3) Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked;
- (4) The unlawful use of weapons;
- (5) Fleeing or attempting to elude a police officer;
- (6) Invalid Driver's License as defined in Section 78.001;
- (7) Suspended Registration as defined in Section 78.001.

(b) The owner of a vehicle found to be subject to seizure and impoundment as set forth herein shall be liable to the city for a penalty of five hundred dollars (\$500.00) in addition to fees for the towing and storage of the vehicle.

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide the towing of the vehicle. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under this section

Section 2:

In all other respects, Section 78 of Chapter 78 of the Code of Ordinances of the City of Monmouth, previously enacted, shall remain in full force and effect.

Section 3:

This ordinance shall be in full force and effect ten (10) days after this due publication in pamphlet form, passage and approval thereof as provided by law.

PASSED this 21<sup>st</sup> day of February, A.D., 2017.

APPROVED this 22<sup>nd</sup> day of February, A.D., 2017.

Paul Davies  
MAYOR

ATTESTED:

Amanda S. Trevino  
CITY CLERK

Ayes: 8

Nays: 0

Absent or not voting: 0