

**CITY OF MORRIS
GRUNDY COUNTY, ILLINOIS**

ORDINANCE NO. 4041

**AN ORDINANCE AMENDING SECTION 10.02.080 OF THE MORRIS
MUNICIPAL CODE REGULATING IMPOUNDMENT AND TOWING OF
VEHICLES WITHIN THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS**

**PASSED AND APPROVED BY THE
MAYOR AND CITY COUNCIL OF THE CITY OF MORRIS
THIS 2nd DAY OF SEPTEMBER, 2014.**

Published in Pamphlet Form
by the authority of the Mayor
& City Council of the City of Morris,
Grundy County, Illinois
this 2nd day of September, 2014.

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WHEREAS, the Morris City Council has deemed it reasonable and necessary to amend the Morris Municipal Code Section 10.02.080 Regulating, Impoundment and Towing of Vehicles; and

WHEREAS, the Illinois Vehicle Code (625 ILCS 5/11-208.7) authorizes municipalities to impose administrative fees for the costs associated with the investigation, removal, impoundment, storage and release of vehicles; and

WHEREAS, the Morris Judiciary & License Committee, having reviewed the proposed amendments contained herein, have recommended the approval of the same to the Morris City Council; and

WHEREAS, the Morris City Council, in considering the recommendation of the Morris Judiciary & License Committee, find the same to be reasonable and appropriate, and hereby find that the amendments contained herein shall promote the health, safety and welfare of the citizens of the City of Morris; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That the above recitals and findings are true and correct and are hereby incorporated into this Ordinance as though fully set forth herein.

Section 2. That the Morris Municipal Code Section 10.02.080 is amended in its entirety and shall hereafter read as follows:

10.02.080 REGULATING IMPOUNDMENT AND TOWING OF VEHICLES

A. Offenses leading to seizure and impoundment.

A motor vehicle used in violation of the Statutes listed below shall be subject to impoundment under this Section and shall be defined as a Class 1 vehicle:

1. 625 ILCS 5/11-501. Driving while under the influence of alcohol, drugs, or combination thereof;
2. 625 ILCS 5/6-303. Driving with a suspended or revoked driver's license;
3. 625 ILCS 5/11-204. Fleeing or attempting to elude a police officer;
4. 625 ILCS 5/6-101. No valid driver's license (except cases of a license that is expired for less than 1 year);
5. 625 ILCS 5/11-503. Reckless Driving;
6. 625 ILCS 5/11-402(a). Leaving the scene of an accident – vehicle damage;
7. 625 ILCS 5/11-401(a & b). Leaving the scene of an accident – death or injury.

A motor vehicle used in violation of the Statutes listed below shall be subject to impoundment under this Section and shall be defined as a Class 2 vehicle:

1. 720 ILCS 5/36-1. Any violation for which seizure is authorized under the Illinois Criminal Code of 1961;
2. 720 ILCS 570. Article IV. Any violation of Article IV of the Illinois Controlled Substances Act;
3. 720 ILCS 550. Any violation of the Illinois Cannabis Control Act;
4. 720 ILCS 5/24. Any violation of Article 24 of the Illinois Vehicle Code – Deadly Weapons;
5. 625 ILCS 5/11-204.1. Aggravated fleeing or attempting to elude a police officer.

B. Administrative fees.

Administrative fees regarding unlawful vehicles as defined within this Section are hereby established as follows:

1. An administrative fee of one hundred and fifty dollars (\$150.00) is hereby imposed on the owner of record or lawful custodian of a vehicle towed and impounded under this Article as a Class 1 vehicle.
2. An administrative fee of three hundred dollars (\$300.00) is hereby imposed on the owner of record or lawful custodian of a vehicle towed and impounded under this Article as a Class 2 vehicle.
3. In the event the vehicle would qualify as both a Class 1 and a Class 2 vehicle, only the Class 2 administrative fee shall be imposed. The fees

imposed pursuant to this Section shall constitute a debt due and owing to the City. A vehicle impounded pursuant to this Article shall remain impounded until:

- a. The administrative fee is paid to the City and all applicable towing and storage fees are paid to the towing agent, in which case the owner or lawful custodian shall be given possession of the vehicle; or
- b. A cash bond in the amount of one hundred and fifty dollars (\$150.00) in the case of a Class 1 unlawful vehicle; or in the amount of three hundred dollars (\$300.00) in the case of a Class 2 unlawful vehicle, is posted with the Police Department of the City and all applicable towing and storage fees are paid to the towing agent; or
 - (1) The vehicle is deemed abandoned in which case the vehicle shall be disposed of in the manner provided by law for disposition of an abandoned vehicle.
- c. If a cash bond in the appropriate amount is posted with the Police Department, and applicable towing and storage fees are paid to the towing agent, the impounded vehicle shall be released to the owner or lawful custodian. All bond money posted pursuant to this Section shall be deposited and held by the City Clerk until the administrative hearing officer issues a decision on whether the administrative fee is due. The citation for the administrative fee provided for in this Section shall be issued only in the event the owner or lawful custodian has posted bond and desires to dispute the administrative fee. In the event the owner or lawful custodian of the vehicle agrees to pay the appropriate fees set forth herein, and further pays the applicable towing fees or makes arrangements satisfactory to the towing agent, then no filing shall be made with the administrative hearing officer in connection with this administrative fee and any monies deposited with the City shall be retained and be the sole property of the City.
- d. Any motor vehicle that is not reclaimed within thirty-five (35) days after a final judgment rendered in favor of the City for imposition of the administrative fee by the administrative hearing officer and against the owner of record or lawful custodian who is in default, may be disposed of as an unclaimed and abandoned vehicle as provided by law; provided, however, where proceedings have been instituted under State or Federal drug asset forfeiture laws, disposal of said vehicle shall be subject to said proceedings.

C. Towing and hearing procedures.

1. Class 1 and Class 2 vehicles as set forth herein shall be subject to towing without prior notice. If the owner of record or the legal custodian of the vehicle is present at the scene prior to towing, the police officer shall give verbal notice of the vehicle's seizure and the owner's rights and remedies including a right to an administrative hearing.
2. Alternatively, the Police Department shall send written notification to the owner of record, as identified through State vehicle registration records, within ten (10) days of the seizure and impoundment. The written notice shall give the owner notice of the fact of the vehicle's seizure and rights and remedies including a right to an administrative hearing. The notice shall be sent certified mail, return receipt, to the address listed on the State vehicle registration records. Written notification shall not be necessary in cases where the owner or legal custodian has paid the administrative fee, all applicable towing and storage fees and has waived their right to a hearing.
3. Vehicles authorized to be towed under this Section shall be impounded at facilities designated by the City Police Department until lawfully claimed or disposed of pursuant to the provisions of this Section.
4. Before the owner or person entitled to the possession of any impounded vehicle shall be permitted to remove the same, the owner or other person entitled to possession shall furnish evidence of his identity, ownership of the vehicle, or right to possession, sign a receipt for the vehicle, and pay the administrative fee to the City of Morris (or bond therefore) and pay the amount currently owed for towing and storage fees to the towing agent or make arrangements satisfactory to the towing agent with the towing agent. The Chief of Police is further authorized to promulgate regulations as to the documents necessary to carry out and effectuate the intent and purpose of these provisions.
5. The administrative hearing for any person posting bond and desiring a hearing in regard thereto shall be held within forty-five (45) days of the date of the mailing of the notice of hearing.
6. The administrative hearing shall be conducted by a hearing officer who is an attorney licensed to practice law in Illinois for at least three (3) years. The administrative hearing shall be recorded and the person conducting the hearing shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing may be represented by counsel at their expense. The formal or technical rules of evidence shall not apply during the administrative hearing.

7. At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the municipality.
8. All final decisions of the administrative hearing officer shall be subject to review under the provisions of Administrative Review Law.


Section 3. The City Clerk is hereby authorized and directed to publish a true and correct copy of this Ordinance in pamphlet form for a period of not less than ten (10) days and to complete a Certificate of Posting consistent therewith.

Section 4. Any Ordinances or Resolutions inconsistent with the terms and provisions hereof are hereby repealed and revoked to the extent of any such inconsistency, specifically including the repeal of City of Morris Ordinance No. 3861.

Section 5. This Ordinance shall be effective from and following its passage, approval and publication as required by law.

PASSED AND APPROVED this 2nd day of September, 2014.

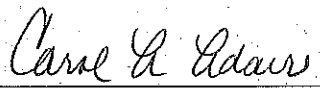
Ayes: 7
Nays: 0
Abstain: 0
Absent: 1



RICHARD P. KOPCZYK, Mayor

[SEAL]

ATTEST:



CAROL A. ADAIR, City Clerk