
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: PATRICK J. ROLLINS, CHIEF OF POLICE
SUBJECT: DISCUSSION: AMENDING TITLE 1 CHAPTER 14 VEHICLE
IMPOUNDMENT, (1-14-7 SECTION "B" REPLACING ITS ENTIRETY)
AGENDA: FEBRUARY 18, 2025
DATE: FEBRUARY 11, 2025

ISSUE

Should the Village discuss amending Title 1 Chapter 14 Vehicle Impoundment offenses (1-14-7-B) to best align/mirror with State Statute, as Sugar Grove is a non-home rule community.

DISCUSSION

The Village Board at their February 6, 2024, Board Meeting, amended the Village Code by creating a separate Administrative Adjudication Chapter (Title 1, Chapter 14) while repealing its original location in the code from Title 5, Chapter 7, Section 11. 5-7-11: Seizure And Impoundment Of Vehicles And Administrative Penalty (Rep. by Ord. 2024-0206B, 2-6-2024).

Staff has reviewed the existing language and has some housekeeping verbiage changes to better reflect the allowable Vehicle Impoundment Offenses that best coordinates with the format and specific order listed in the State Statute.

Current language under 1-14-7-B:

B. Criminal Violations Authorizing Seizure/Impoundment: A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall 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 five hundred dollars (\$500. 00), in addition to costs of prosecution and any towing and storage fees as hereinafter provided:

1. Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to 720 Illinois Compiled Statutes 5/36-1.

2. Driving under the influence of alcohol, other drug or drugs, intoxicating compounds, 625 Illinois Compiled Statutes 5111-501.
3. Operation or use of a motor vehicle in connection with the commission or attempted commission of any felony offense or in violation of the provisions of the Illinois cannabis control act, 720 Illinois Compiled Statutes 550/1.
4. Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/100.
5. Unlawful use of a weapon in violation of 720 Illinois Compiled Statutes 5/24-1; aggravated discharge of a firearm in violation of 720 Illinois Compiled Statutes 5/24-1.5; unlawful possession of a firearm and firearm ammunition in violation of 720 Illinois Compiled Statutes 5/24-3. I.
6. Driving while license, permit or privilege to operate a motor vehicle is suspended or revoked, 625 Illinois Compiled Statutes 5/6-303; vehicles shall not be subject to seizure/impoundment if the suspension is for unpaid citations, due to failure to comply with emission testing.
7. Operating a motor vehicle without a valid driver's license, 625 Illinois Compiled Statutes 5/6-101 in combination with operation of motor vehicle with no insurance 625 Illinois Compiled Statutes 5/3-707.
 - a. Except a person that had a valid driver's license that is expired for less than six (6) months.
 - b. Except a person who is less than seventeen (17) years of age operating a motor vehicle on any street or highway when in violation of the child curfew act.

Staff is looking to change the current verbiage under 1-14-7-B to the below section:

New Proposed language:

B. Criminal Violations Authorizing Seizure/Impoundment: A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall 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 five hundred dollars (\$500. 00), in addition to costs of prosecution and any towing and storage fees as hereinafter provided:

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 (720 ILCS 5/35-1) of 2012; 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 Illinois Vehicle Code (625/5/11-501); 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/); 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/); 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 (720 ILCS 5/) 24-1, 24-1.5, or 24-3.1 of the Illinois Criminal Code of 1961 or the Criminal Code of 2012; 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 Illinois Vehicle Code (625 ILCS 5/6-303); except that vehicles shall not be subject 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/) or the Illinois Controlled Substances Act (720 ILCS 570/); or
8. Operation or use of a motor vehicle with an expired driver's license, in violation of 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 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 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 (625 ILCS 5/); 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 Criminal Code of 1961 per the Criminal Code of 2012 (720 ILCS 5/ Article 16); 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 Criminal Code of 2012 (720 ILCS 5/), when so provided by local ordinance; or
13. Operation or use of a motor vehicle in violation of Section 11-503 of the Illinois Vehicle Code (625 ILCS 5/11-503):
 - a. While the vehicle is part of a funeral procession; or
 - b. In a manner that interferes with a funeral procession.

COST

Anticipated costs for attorney review of the ordinance is approximately \$250.

RECOMMENDATION – That the Village Board discuss making changes brought forth by staff that better aligns with State Statute and as a non-home rule community provide staff with direction for amending, Title 1 Chapter 14, Section 7 (B) of the Code of Ordinances.