

CHAPTER 19

IMPOUNDMENT OF MOTOR VEHICLES AND TOW FEE

SECTION:

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6-19-1: AUTHORITY TO IMPOUND VEHICLES: Members of the Village of East Alton Police Department are hereby authorized to remove or cause to be removed, any motor vehicle from a street or highway to a place of safety or to a motor vehicle storage facility approved by the Village of East Alton or otherwise maintained by the Village of East Alton under the circumstances herein enumerated and to impound such motor vehicle until all fees and charges as provided in this chapter have been paid, satisfied, or challenged as provided for by this chapter.

6-19-2: GROUNDS FOR SEIZURE/IMPOUNDMENT:

- (A) Any and all arrests for felony offenses as defined by the State of Illinois Criminal Code or by the Criminal Code of the United States of America.
- (B) Any custodial arrest of a suspect for a class A misdemeanor traffic violation as defined by the Illinois Vehicle Code.
- (C) Any custodial arrest of a suspect on an outstanding warrant for arrest issued by any Court of competent jurisdiction.

6-19-3: NOTICE. Whenever a member of the Police Department of the Village of East Alton causes a motor vehicle to be removed, towed or impounded as authorized by this code, the Police Department of the Village of East Alton shall use due diligence to ascertain the name and address of the owner or owners of record thereof and shall give or cause to be given notice in writing to such owner or owners of record of the fact of such removal, towing and impoundment and the reasons therefor and of the place to which such motor vehicle had been removed, towed or impounded.

6-19-4: ADMINISTRATIVE HEARING.

- (A) At the time a motor vehicle is seized, removed or impounded or within five (5) business days after a motor vehicle is seized, removed and impounded by order or direction of a police officer of the Village of East Alton, the Village of East Alton shall notify by personal service or by certified mail the owner or owners of record of the owner's right to request an administrative hearing to challenge whether violation of this chapter has occurred or to contest the administrative fee imposed in connection with the seizure of impoundment of the motor vehicle. The owner of record or his or her attorney seeking a hearing must file a written request for a hearing with the office or the chief of police of the Village of East Alton no later than ten (10) business days after the aforesaid notice was mailed or personally served, whichever first occurred. Upon the request of a hearing, in writing filed with the office of the chief of police of the Village of East Alton within the aforesaid time allowed, a hearing date must be scheduled no more than twenty (20) business days thereafter. The person seeking a hearing shall have the burden of proof establishing that a request for an administrative hearing was timely filed with the office of the chief of police. Any interested person shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. The hearing may be continued once commenced to a subsequent time and date certain. The chief of police shall serve as a hearing officer, or he may designate another individual to serve as a hearing officer on a case-by-case basis. No person involved in the particular seizure, removal or impoundment decision or process may serve as a hearing officer.
- (B) If, after the hearing, the hearing officer determines by a preponderance of the evidence presented that the motor vehicle was properly subject to seizure, removal and impoundment by order of a member of the Village of East Alton Police Department, then the hearing officer shall enter a written order finding the owner or owners of record of the respective motor vehicle civilly liable to the Village of East Alton for the applicable administrative fee as provided by this chapter.
- (C) If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the motor vehicle was properly subject to seizure and impoundment by order of a member of the Village of East Alton Police Department, then the hearing officer shall enter a written finding for the record owner and grant such relief as may be appropriate, including waiver of all or a portion of the administrative fee and the return of the motor vehicle to the record owner.
- (D) If the owner or owners of record request a hearing but fail to appear at the hearing, or if the owner or owners of record fail to request a hearing in writing in a timely manner, the owner or owners of record shall be deemed to have waived his or her rights to an administrative hearing and the hearing officer may enter a default order in favor of the Village of East Alton in the amount of the appropriate administrative fee.

- (E) The owner or owners of record may elect to pay the administrative fee demand necessary to redeem the motor vehicle without constituting a waiver of the right of the owner or owners of record to request an administrative hearing in writing and in a timely manner as provided by this chapter and upon payment of the appropriate administrative fee, together with any towing and storage fees incurred, the motor vehicle shall be returned to the owner or owners of record without further bond. The action of the Village of East Alton Police Department shall be subject to administrative review as provided herein.
- (F) The final written decision of the Village of East Alton police chief or his designated hearing officer shall constitute a final administrative order and be subject to judicial review under the provisions of the Administrative Review Act of the State of Illinois.

6-19-5: NOTICE TO SECRETARY OF STATE. Whenever a member of the Police Department of the Village of East Alton causes a motor vehicle to be removed, towed or impounded as authorized by this section, and the Police Department of the Village of East Alton is unable after due diligence to ascertain the name and address of the owner or owners of record, or for any other reason is unable to give the written notice to the owner or owners of record as provided herein, and in the event the motor vehicle is not returned to the owner within a period of three (3) business days following its removal, towing or impoundment, then and in the event that the Police Department of the Village of East Alton shall send or cause to be sent a written report of such removal, towing or impoundment by mail to the Secretary of State of the State of Illinois. Such notice shall include a complete description of the vehicle, the date, time and place from which the motor vehicle was removed, the reasons for such removal and the name of the towing agent and place where the motor vehicle is impounded.

6-19-6: NO REQUIREMENT TO SEIZE/TOW. A member of the Police Department of the Village of East Alton who shall be authorized by this code to cause a motor vehicle to be seized, removed, towed and/or impounded shall not be required to exercise that authority. A member of the Police Department may, in his or her discretion, permit an owner or an authorized agent of an owner, to assume custody and control of the motor vehicle if a licensed driver under circumstances determined in the judgment of the member of the Police Department to be reasonably safe and appropriate.

6-19-7: ADMINISTRATIVE FEE. Before the owner of record or other person entitled to possession of any motor vehicle impounded by authority of the police department of the Village of East Alton, an administrative fee shall be paid to the Village of East Alton. The administrative fee shall be One Hundred Dollars (\$100.00). The fee shall be paid at the Village of East Alton Police Department prior to the release of the motor vehicle as partial reimbursement to the Village of East Alton Police Department, in compensation for the time and resources spent by the department regarding the seizure, impoundment, towing, and release of said motor vehicle.

6-19-8: REMOVAL OF IMPOUNDED VEHICLE. Before the owner of record or person entitled to possession of any impounded motor vehicle shall be permitted to remove the same, he or she shall furnish documentation of the following:

- (1) His or her true identity.
- (2) Ownership of the vehicle.
- (3) Proof of registration of licensing of the motor vehicle with the appropriate state authorities.
- (4) Proof of insurance for the operation of the motor vehicle in accordance with the laws of the State of Illinois.

Proof of valid driver's license held by the person who shall drive the motor vehicle from the impoundment area.