
THE CITY OF ASSUMPTION

CHRISTIAN COUNTY, ILLINOIS

ORDINANCE NUMBER 833

**AN ORDINANCE RELATING TO THE IMPOUNDMENT OF MOTOR VEHICLES
INVOLVED IN CERTAIN CRIMINAL ACTS**

DEREK PAGE, Mayor
JANET WALLER, City Clerk

GARY NELSEN
KIM PORTER
SELENA REED
KANDY SMITH
TRAVIS SULLIVAN
DONNY WALDEN
City Aldermen

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ORDINANCE NO. 833

**AN ORDINANCE RELATING TO THE IMPOUNDMENT OF MOTOR VEHICLES
INVOLVED IN CERTAIN CRIMINAL ACTS**

WHEREAS, the City of Assumption, Christian County, State of Illinois (“City”), is a duly organized and existing City created and operating under the provisions of the Illinois Municipal Code and laws of the State of Illinois; and,

WHEREAS, Title 6 of the City Code sets forth the City’s Vehicle and Traffic prohibitions and requirements; and

WHEREAS, the Illinois Motor Vehicle Code (625 ILCS 5/11-204.1) and Illinois Criminal Code (720 ILCS 5/36-1) authorize the impoundment of vehicles involved in the aggravated fleeing or attempting to elude a peace officer; and

WHEREAS, the Illinois Motor Vehicle Code authorizes the impoundment of vehicles involved in misdemeanors where the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; and

WHEREAS, the City Council and the Mayor believe it to be in the best interest of the City to amend its code to set forth grounds for the impoundment of vehicles as provided for in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Assumption, Christian County, Illinois, as follows:

Section 1. Recitals. The above recitals are incorporated herein by this reference.

Section 2. Amending the City Code. The Assumption City Code is hereby amended by adding the following new Chapter 8, Motor Vehicle Impoundment, to Title 6, Motor Vehicles and Traffic, as follows:

Chapter 8

Motor Vehicle Impoundment

SECTION:

6-8-1 General Regulations

6-8-2 Conduct Prohibited

6-8-3 Seizure and Impoundment

6-8-4 Notice

6-8-5 Hearing

6-8-6 Penalty

6-8-7 Disposition of Impounded Vehicle

6-8-8 Posting of Bond

6-8-9 Failure to Pay Penalty

6-8-10 Judicial Review Pending

6-8-11 Monies Deposited

6-8-1 General regulations for motor vehicle impoundment

1. For purposes of this section, "motor vehicle" means every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, motor scooters, and ATVs.
2. For purposes of this section, "owners of record" means the record title holders of a vehicle.
3. For purposes of this section, a person engages in conduct "knowingly" if, when the person engages in the conduct, the person is aware of high probability that he or she is doing so.

Conduct prohibited

- A. A motor vehicle used in violation of the statutes listed below shall be subject to seizure and impoundment
1. Fleeing or attempting to elude a police officer (625 ILCS 5/11-204).
 2. Aggravated fleeing or attempting to elude a police officer (625 ILCS 5/11-204.1).
 3. Leaving the scene of an accident involving death, injury, or a felony “failure to report” violation (625 ILCS 5/11-401(a)).
 4. Leaving the scene of an accident involving vehicle damage (625 ILCS 5/11-402(a)).
 5. Driving under the influence (625 ILCS 5/11-501).
*The driver is arrested for DUI and the 24 hour hold takes effect pursuant to the legal guidelines set forth by state statute. Provided, the arresting officer has discretion to allow a licensed driver to take possession of the vehicle if consistent with state law.
 6. Reckless driving (625 ILCS 5/11-503).
 7. Driving with a suspended or revoked driver’s license (625 ILCS 5/6-303). (Note – the arresting officer may authorize a release of the vehicle to a parent or guardian who is present at the scene and immediately capable of arranging for the removal of the vehicle).
 8. Suspension of driver’s license: person under age 21 (625 ILCS 5/11-501.8). (The vehicle may be released to a parent or guardian who is present at the scene and immediately capable of arranging for the removal of the vehicle).
 9. Driving with no valid license (625 ILCS 5/6-101) (Note - This does not include cases where the driver has a valid license but does not have the license on his person, cases where the driver’s license has been expired for less than 12 months, or cases where the driver’s license is invalid due to a violation of graduated driving privileges).
 10. Suspended or revoked registration plate (625 ILCS 5/3-702).
 11. Operation of an uninsured motor vehicle (625 ILCS 5/3-707). (Note – This does not include cases where the insurance card is expired or the driver is unable to show proof of insurance. In order for an officer to impound the vehicle, the officer must have proof that the vehicle is not insured). The driver shall be issued a citation for no insurance.

12. Any violation of Article IV of the Controlled Substances Act (720 ILCS 570 Article IV).
13. Any felony violation of the Illinois Cannabis Control Act (720 ILCS 550).
14. Any violation of Article 24 (deadly weapons) of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/25-1 et. sec.).
15. Any violation of the Illinois Criminal Code of 1961, 5/11-14 (720 ILCS 5/11-14; Prostitution).
16. Any violation of the Illinois Criminal Code of 1961, 5/11-14.1 (720 ILCS 5/11-14.1; Solicitation of a Sexual Act).
17. Any violation of the Illinois Criminal Code of 1961, 5/11-15 (720 ILCS 5/11-15; Solicitation of a Prostitute).
18. Any felony for which seizure is authorized under the Illinois Criminal Code of 1961, 5/36-1 (720 ILCS 5/36-1).
19. Operation of motor vehicle when registration suspended for noninsurance. (625 ILCS 5/3- 708)

6-8-3

Seizure and Impoundment

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 for the towing of the vehicle to a facility controlled by the city or its agents, including a private facility under contract or agreement with the City for such purposes. This subsection shall not apply if the vehicle used in Conduct Prohibited was stolen at the time of the alleged violation and the theft was reported to the appropriate authorities within 72 hours after the theft was discovered or reasonably should have been discovered.

6-8-4

Notice

Within 72 hours after a vehicle is seized and impounded, the police department shall notify the owners of record or the person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, the penalty assessed, and of their right to request a vehicle impoundment hearing under this section. All notices pursuant to this chapter shall be hand delivered or sent by certified mail to the owner of record or the person who is found to be in control of the vehicle at the time of the alleged violation.

6-8-5

Hearing

A. Request for Hearing:

1. A request for hearing must be made within 30 days following the receipt of the Notice set forth in section 6-8-4 above by the owner or the person in control of the vehicle at the time of the alleged violation. The request for a hearing must be made in writing and either hand-delivered or delivered by certified mail to the City of Assumption Police Department. A request for a hearing may be made by either the owners of record or the person found to be in control of the vehicle at the time of the alleged violation; however, only one hearing shall be permitted per violation.

B. Failure to Request Hearing:

1. If a request for hearing is not made by either the owner of record or the person in control of the vehicle at the time of the alleged violation within 30 days of the seizure and impoundment of the vehicle, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.
2. Upon receipt by the City of a written request for a hearing, a hearing shall be held before a hearing officer consisting and comprised of the City Attorney, Mayor and City Council, and the hearing shall be added to the agenda for the next available City Council meeting. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing.

6-8-6

Penalty

1. The owner of the motor vehicle, or the person in control, may waive his right to a hearing under this section by agreeing and stipulating in writing that the seized motor vehicle was being used in violation of this section. Once the waiver is signed and the penalty paid, the seized vehicle will be released. The vehicle shall not be released to the owners of record, or to the person found to be in control of the vehicle, until the penalty of \$250.00 is paid to the City, and only after the applicable towing and storage fees have been paid to the towing agent.
2. If after a hearing, the hearing officer determines by preponderance of evidence that a violation for which a penalty is applicable under this section has occurred, the hearing officer shall enter an order finding the operator of the vehicle guilty of violating this section and civilly liable to the City for a penalty of \$250.00, and also liable to the towing agent for all applicable towing and storage fees. If the operator of the vehicle fails to appear at the hearing, the hearing officer may enter a default order in favor of the City requiring payment to the City of a penalty in the amount of \$250.00 as well as payment to the towing agent for any

applicable towing and storage fees. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the vehicle to the owners of record.

6-8-7

Disposition of Impounded Vehicle

A penalty imposed pursuant to this section shall constitute a debt due and owing the City. A vehicle impounded pursuant to this section shall remain impounded until (1) the penalty of \$250.00 is paid to the City and all applicable towing and storage fees are paid to the towing agent, in which case the owners of record shall be given possession of the vehicle, (2) a bond in the amount of \$250.00 is posted with the City Police Department and all applicable towing and storage fees are paid to the towing agent, at which time the vehicle will be released to the owners of record, or (3) the vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

6-8-8

Posting of Bond

If a bond in the amount of \$250.00 is posted with the City Police Department, the impounded vehicle shall be released to the owners of record. If a \$250.00 penalty is imposed for violation of this section, the \$250.00 bond will be forfeited to the City; however, in the event a violation of this section is not proven by a preponderance of the evidence, the \$250.00 bond will be returned to the person posting the bond. All bond money posted pursuant to this section shall be held by the City Collector until the hearing officer issues a decision, or if there is a judicial review, until the court issues its decision.

6-8-9

Failure to Pay Penalty

If the penalty and applicable towing and storage fees are not paid within 30 days after a penalty is imposed pursuant to this section, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by the law for the disposition of abandoned vehicles.

6-8-10

Judicial Review Pending

If a petition for judicial review of the hearing officer's determination is filed and pending in a court of proper jurisdiction on or before the 30th day following the hearing officer's determination, the provisions of section 6-8-9 above shall be stayed until the court proceedings are concluded and resolved. Where a petition for judicial review of the hearing officer's determination is sought and is subsequently resolved in favor of the City, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles, if the penalty and applicable towing and storage fees are not paid with 30 days after the resolution of this petition for

judicial review. If a petition is filed for judicial review, the vehicle's owner of record must provide notice of the filing to the City of Assumption Police Department no later than 24 hours after the petition is filed.

6-8-11 Monies Deposited

All penalties collected and retained by the City for a violation of this section shall be deposited with the City Collector.

Section 3. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein shall affect any rights or causes of action which shall have accrued to the City prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 2 day of April, 2025 at the City of Assumption, Christian County, Illinois.

	YES	NO	ABSENT	PRESENT
HUNTER	✓			
NELSEN	✓			
PORTER		✓		
REED	✓			
SULLIVAN	✓			
WALDEN	✓			

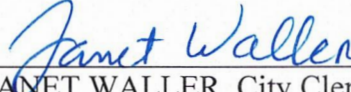
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CITY OF ASSUMPTION



DEREK PAGE, Mayor

Attest:



JANET WALLER, City Clerk