



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: **7c**

Title: Recommendation to Approve an Ordinance Amending Title 10 – Vehicles and Traffic; Chapter 10.04 – General Provisions; Section 10.04.022 – Seizure and Impoundment of Motor Vehicles – Use in Connection with Illegal Activity

Presenter: Deputy Chief Kintz

Meeting: Government Operations Committee

Date: December 5, 2016

Proposed Cost: \$N/A

Budgeted Amount: \$N/A

Not Budgeted:

Executive Summary (if not budgeted please explain):

The state statute recently changed to create a new offense for the possession of a small amount of cannabis. It is now considered a civil offense. In keeping with the spirit of that change the Police Department recommends the following amendment be made to this section of the code:

10.04.022 – Seizure and impoundment of motor vehicles – Use in connection with illegal activity

6. 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 Cannabis Control Act or the Illinois Controlled Substances Act, except the vehicle shall not be subject to seizure or impoundment if the violation for possession of cannabis is not more than 10 grams; or

Attachments (please list):

Ordinance

Recommendation/Suggested Action (briefly explain):

Recommendation to approve an Ordinance amending Title 10 – Vehicles and Traffic; Chapter 10.04 – General Provisions; Section 10.04.022 – Seizure and Impoundment of Motor Vehicles – Use in Connection with Illegal Activity.

City of St. Charles, Illinois
Ordinance No. 2016-M- _____

**An Ordinance Amending Title 10 “Vehicles and Traffic”,
Chapter 10.04 “General Provisions”, Section 10.04.022 “Seizure and
Impoundment of Motor Vehicles – Use in Connection with Illegal Activity”, of
the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 10 “Vehicles and Traffic” Chapter 10.04 “General Provisions” Section 10.58.022 “Seizure and impoundment of motor vehicles – Use in connection with illegal activity”, of the St. Charles Municipal Code, be and is hereby amended as follows:

A. Violations Authorizing Seizure

A motor vehicle, operated by or with the permission, express or implied, of the owner of record or the agents of that owner (collectively “Owner”), which is used in connection with the following violations, may be subject to seizure and impoundment by the City if the violation prevents the driver from lawfully operating the vehicle, or if a police officer determines that seizure and impoundment of the vehicle is reasonably necessary as a community caretaking function so that the vehicle does not jeopardize public safety and the efficient movement of vehicular traffic. The Owner shall be liable to the City for an administrative fee in the amount of five hundred dollars (\$500.00), in addition to all towing, impoundment and storage fees, as hereinafter provided, with respect to the following violations:

1. 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.
2. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or
3. 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; or
4. Operation or use of motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-1.6 or 24-3.1 of the Criminal Code of 1961; or
5. 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; except that vehicles shall not be subjected 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
6. 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 Cannabis Control Act or the Illinois Controlled Substances Act, except the vehicle shall not

be subject to seizure or impoundment if the violation for possession of cannabis is not more than 10 grams ; or

- 7. Operation or use of a motor vehicle with an expired driver’s license, in violation of Section 6-101 of the Illinois Vehicle Code, if the period of expiration is greater than one year; or
- 8. 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, or operating a motor vehicle without ever having been issued a driver’s license or permit due to a person’s age; or
- 9. Operation or use of a motor vehicle by a person against 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; or
- 10. 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.

SECTION TWO:

That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ___ day of _____, 2016.

PASSED by the City Council of the City of St. Charles, Illinois this ___ day of _____, 2016.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2016.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____