

# VILLAGE OF ANTIOCH

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11-12-23

*AN ORDINANCE AMENDING CHAPTER 6 TITLE 7 OF THE ANTIOCH MUNICIPAL CODE  
REVISING CERTAIN VEHICLE TOWING REGULATIONS*

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

December 19, 2011

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Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 20<sup>th</sup> day of December, 2011

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## ORDINANCE NO. 11-12-23

### AN ORDINANCE AMENDING CHAPTER 6 TO TITLE 7, OF THE MUNICIPAL CODE OF ANTIOCH REVISING CERTAIN VEHICLE TOWING REGULATIONS

WHEREAS, the Village has previously established a process for administrative towing of motor vehicles pursuant to the right to regulate the use of public streets pursuant to 65 ILCS 5/11-80-2, and through the general police powers granted to all municipalities in Illinois, and

WHEREAS, the Illinois General Assembly has recently added a new statutory provision dealing more specifically with vehicle towing, and

WHEREAS, the Village Board wishes to comply fully with the provisions of the new statute,

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

**SECTION ONE:** Title 7, Chapter 6 of the Antioch Municipal Code is hereby amended and it shall hereafter read as follows (additions in underline, deletions in ~~strikeout~~):

#### CHAPTER 6: VEHICLE TOWING REGULATIONS.

**7-6-1 VEHICLE CODE ADOPTED BY REFERENCE.** The Village adopts the provisions of 625 ILCS 5/4-201 through 625 ILCS 5/4-214 and 625 ILCS 5/11-208.7 as the basic regulations to be applied by the Police Department in arranging for motor vehicles described therein to be removed from the public streets of this Village.

**7-6-2 LEVY OF ADMINISTRATIVE FEE.** ~~The person(s) responsible for payment of the towing charges allowed to be assessed by any or all of the provisions of 625 ILCS 5/4-201 through 625 ILCS 5/4-214~~ registered owner or agent of the owner of a vehicle impounded pursuant to 625 ILCS 5/11-208.7 and this Chapter shall be liable to the Village for payment of an administrative fee in the amount set forth in 7-6-3.

**7-6-3 FEE SCHEDULE.** The administrative fee charged for all acts and record-keeping relating to the towing of vehicles within the Village by the Police Department shall be \$250.00 per vehicle, per tow.

**7-6-4 IMPOUND.** No towing company or tow operator shall release any vehicle towed at the request of the Antioch Police Department to any person unless that person shall provide a receipt to the towing company or tow operator demonstrating that the administrative fee described and levied in this Chapter shall have been paid in full, or an order from the Village's duly designated administrative hearing officer certifying that the fees do not apply to the towing of this particular vehicle.

**7-6-5 APPLICABILITY.** This chapter and the fees described herein shall apply to vehicles which are being towed as a result of one or more violations of the Illinois Vehicle Code set forth in 625 ILCS 5/11-208.7(b), and further shall not apply to a simple traffic accident, roadway breakdown or other, similar reason which is wholly unrelated to any of the said violations.

**7-6-6 VIOLATION.** No person or company shall violate any provision of this Chapter. Penalty, see 7-6-9.

**7-6-7 PROCEDURES.** The following procedures shall be used in assessing any fees under this Chapter:

**(a) HEARING.** The registered owner or his/her agent shall be afforded the opportunity for a hearing as described in 625 ILCS 5/11-208.3 and Article C of Chapter 6 of Title I of this Code.

**(b) NOTICE.** The registered owner or his/her agent shall be notified as follows:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the municipality.

(2) At the time the vehicle is towed, the municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle

or a lienholder posts with the municipality a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(c) FORM OF NOTICE. The Notice required by subsection (b) hereinabove shall conform to the following regulations:

(1) It shall be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;

(2) It shall be served upon interested parties within 10 days after a vehicle is impounded by the municipality; and

(3) It shall contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(d) HEARINGS. In addition to the general administrative procedures set forth in Article C of Chapter 6 of Title I of this Code and 625 ILCS 5/11-208.3, the following specific procedures shall apply to vehicle towing and impoundment cases under this Chapter:

(1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years;

(2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;

(3) 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;

(4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law; and (5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall

be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid.

(e) ENFORCEMENT AND APPEAL. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

7-6-8 ABANDONMENT. Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Vehicle Code (625 ILCS 5/4-201, et. seq.).

**7-6-9 PENALTY.** A person or company found guilty of violating any provision of this Chapter shall be fined \$250.00 and shall further be liable for any unpaid portion of any administrative fee charged on any vehicle. In addition to any fine or charge imposed by this paragraph, any tow company or tow operator found guilty of violating any provision of this Chapter shall lose the right to conduct tows within the Village for a period of three (3) months for a first offense, for a period of six (6) months for a second offense and permanently for any third or subsequent offense.

**SECTION TWO:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS 19 DAY OF DECEMBER, 2011.

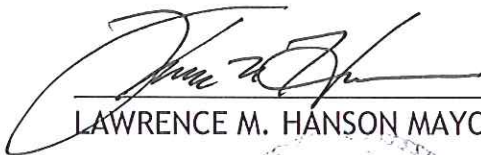
AYES: 4: Sakas, Crosby, Dominiak and Jozwiak.

NAYS: 0.

ABSTAIN: 1: Pierce.

ABSENT: 1: Poulos.

  
CANDI L. ROWE, VILLAGE CLERK

  
LAWRENCE M. HANSON MAYOR



STATE OF ILLINOIS )  
                                  )       SS  
COUNTY OF LAKE    )

**CERTIFICATE**

I, Candi L. Rowe, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on December 19, 2011, the Corporate Authorities of such municipality passed and approved **Ordinance No. 11-12-23**, entitled "***AN ORDINANCE AMENDING CHAPTER 6 TITLE 7 OF THE ANTIOCH MUNICIPAL CODE REVISING CERTAIN VEHICLE TOWING REGULATIONS***" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 11-12-23**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 20, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 20<sup>th</sup> day of December, 2011.

  
Candi L. Rowe, Village Clerk

