

**AN ORDINANCE
AMENDING SECTION 5-6-1 OF THE
SLEEPY HOLLOW MUNICIPAL CODE, PROVIDING FOR
THE SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES
UNDER CERTAIN CIRCUMSTANCES**

WHEREAS, the Village has previously adopted regulations governing the seizure and impoundment of motor vehicles under certain circumstances, Sleepy Hollow Municipal Code, Title 6: Traffic Regulations, Article 7: Seizure and Impoundment of Motor Vehicles; and

WHEREAS, the seizure and impoundment of motor vehicles is otherwise governed by the provisions of the Illinois Vehicle Code, 625 ILCS 5/11-208.7; and

WHEREAS, the provisions of the Village Code do not include all of the circumstances under which a motor vehicle may be seized and impounded pursuant to the provisions of the Illinois Vehicle Code; and

WHEREAS, the Corporate Authorities deem it necessary and advisable to provide for seizure and impoundment of motor vehicles fully consistent with the provisions of the Illinois Vehicle Code.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The Sleepy Hollow Municipal Code, as previously amended, shall be and hereby is further amended to add to the circumstances under which a motor vehicle may be seized and impounded in the Village, in words and figures as follows:

5-6-1: MOTOR VEHICLES USED IN CONNECTION WITH ILLEGAL ACTIVITIES:

A. Impoundment: A motor vehicle, operated with the permission, express or implied, of the owner of record that is used in connection with any of the following violations shall be subject to tow from any public street, public place, or private property, and impoundment by the village:

- (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 Criminal Code 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 this Code; 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 Cannabis Control Act; 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; 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 24-1, 24-1.5, or 24-3.1 of the 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 this 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
- (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 Cannabis Control Act or the Illinois Controlled Substances Act; or
- (8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, 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 this Code, 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 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 this Code; 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 or the Criminal Code of 2012; 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 Criminal Code of 1961 or the Criminal Code of 2012; or
- (13) operation or use of a motor vehicle in violation of Section 11-503 of this Code:
- a) while the vehicle is part of a funeral procession; or
 - b) in a manner that interferes with a funeral procession.

Section 2. Any and all ordinances, resolutions, and orders, or parts thereof, which are in conflict with the provisions of this Ordinance, to the extent of any such conflict, are hereby superseded and waived.

Section 3. If any section, subdivision, sentence or phrase of this Ordinance is for any reason held to be void, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED THIS 5th DAY OF July, 2023.

AYES: BOE, HARNEY, MCGUIRE, DEATLEY, THORNE, THOMAS

NAYS: NONE

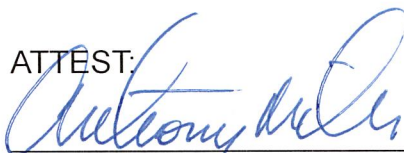
ABSENT: NONE

ABSTAIN: NONE

APPROVED THIS 5th DAY OF July, 2023.



Stephan Pickett
Village President

ATTEST:


Anthony Mills
Village Clerk