

4/14/11

THE CITY OF OAK FOREST
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER 2011-04-03380

AN ORDINANCE AMENDING SECTION 70.36 – VEHICLES SUBJECT TO SEIZURE AND
IMPOUNDMENT

ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF OAK FOREST,
COOK COUNTY, ILLINOIS,
THIS 26th DAY OF APRIL, 2011

Published in pamphlet form by authority of the Mayor
and City Council of the City of Oak Forest
on APRIL 26, 2011

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ORDINANCE NO. 2011-04-03380

AN ORDINANCE AMENDING SECTION 70.36 – VEHICLES SUBJECT TO SEIZURE AND IMPOUNDMENT

WHEREAS, the City of Oak Forest is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the City of Oak Forest is a home rule municipality as defined by Article VII of the Illinois Constitution; and

WHEREAS, the City desires to revise the section of the Municipal Code as it relates to vehicle seizures and impoundments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK FOREST, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: The foregoing recitals are incorporated as substantive portions hereof as though fully set forth herein.

SECTION 2: That Section 70.36(A) *Vehicles Subject to Seizure and Impoundment*, of the Municipal Code concerning vehicle seizure/impoundments is deleted in its entirety and replaced in lieu thereof with the following:

(A) *The possession or delivery of a controlled substance or drug paraphernalia or the possession, delivery or manufacturing of cannabis excluding (a) and (b) of the Cannabis Control Act, ILCS Ch.720 Act 550 /4 (10 grams or less).*

SECTION 3: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the remaining provisions of this ordinance.

SECTION 4: All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

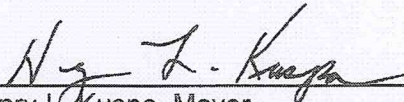
SECTION 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

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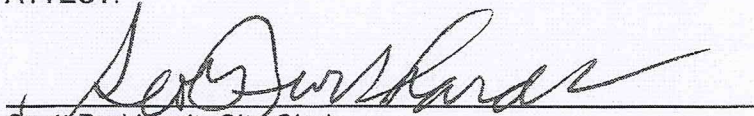
ADOPTED this 26th day of APRIL, 2011 pursuant to roll call vote as follows:

ALDERMAN	YES	NO	ABSENT	PRESENT
Clemons	✓			
Simon	✓			
Wolf	✓			
Toland	✓			
Hullinger	✓			
Muscarella	✓			
Wechet	✓			
Kuspa, Mayor				
TOTAL	7	0	0	0

APPROVED by the Mayor on APRIL 26, 2011:


Henry L. Kuspa, Mayor

ATTEST:


Scott Burkhardt, City Clerk

(2) With cancelled, suspended, revoked or expired registration plates, registration stickers or other proper evidence of registration as required for that vehicle by the Illinois Vehicle Code or the Secretary of State.
(2000 Code, § 10.20.050)

VEHICLE SEIZURE AND IMPOUNDMENT

§ 70.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRAVATED ASSAULT AND AGGRAVATED BATTERY. A violation of ILCS Ch. 720, Act 5, § 12-2) and (ILCS Ch. 720, Act 5, § 12-4), respectively.

ARMED ROBBERY. A violation of ILCS Ch. 720, Act 5, § 18-2.

BURGLARY AND RESIDENTIAL BURGLARY. A violation of ILCS Ch. 720, Act 5, § 19-1 and ILCS Ch. 720, Act 5, § 19-3, respectively.

CONTROLLED SUBSTANCE. Any substance as defined and included in the schedules contained in Article II of the Illinois Controlled Substance Act (ILCS Ch. 720, Act 570, §§ 101 *et seq.*), as amended from time to time, and cannabis as defined in § 3 of the Cannabis Control Act (ILCS Ch. 720, Act 550, § 3), as amended from time to time.

CRIMINAL DAMAGE TO PROPERTY. A violation of ILCS Ch. 720, Act 5, § 21-1.

DRIVING UNDER THE INFLUENCE. Any violation as defined in § 11-501 of the Illinois Vehicle Code (ILCS Ch. 625, Act 5, § 11-501), as amended.

DRIVING WHILE LICENSE, PERMIT OR PRIVILEGE TO OPERATE A MOTOR VEHICLE IS SUSPENDED OR REVOKED. Any violation as

defined in 6303 of the Illinois Vehicle Code (ILCS Ch. 625, Act 5, § 6-303), as amended.

DRUG PARAPHERNALIA. Any equipment, product and/or materials as defined in § 2 of the Drug Paraphernalia Act (ILCS Ch. 720, Act 600, § 2).

HEARING OFFICER. A licensed attorney who is not an officer.

OPERATION OF MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE. A violation of §§ 6-101 and/or 6-303 of the Illinois Vehicle Code (ILCS Ch. 625, Act 5, § 6-101 and ILCS Ch. 625, Act 5, § 6-303), as amended from time to time, where the driver's license or driving privileges have been suspended, revoked, canceled, never obtained or previously had been obtained and have been expired for not less than one year.

OWNER OF RECORD. The record titleholder to a motor vehicle.

UNLAWFUL USE OF WEAPONS. A violation of § 24-1 of the Criminal Code of 1961 (ILCS Ch. 720, Act 5, § 24-1), as amended.

RETAIL THEFT. A violation of ILCS Ch. 720, Act 5, § 16A-3.
(Ord. 2007-05-0103O, passed 5-8-2007; Am. Ord. 2010-10-0310O, passed 10-26-2010)

§ 70.36 VEHICLES SUBJECT TO SEIZURE AND IMPOUNDMENT.

A motor vehicle shall be subject to seizure and impoundment under this subchapter where the motor vehicle is used in the commission of any of the following:

(A) The possession or delivery of a controlled substance or drug paraphernalia and the possession, delivery or manufacturing of cannabis excluding (a) and (b) of the Cannabis Control Act, ILCS Ch. 720, Act 550, § 4 (10 grams or less);

(B) Driving while under the influence;