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AN ORDINANCE AMENDING TITLE 6, CHAPTER 10, OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-60-2 (2008), the President and Board of Trustees of the Village may define, prevent, and abate nuisances; and

WHEREAS, the Village desires to reduce, eliminate and curb the public nuisances created by individuals operating motor vehicles upon the streets and highways of the Village who commit violations of certain laws within the Village as specified herein; and

WHEREAS, the Village declares that a public nuisance is created by individuals operating motor vehicles upon the streets and highways of the Village who commit violations of the laws set forth herein; and

WHEREAS, the fee herein provided is found by the Village to be sufficient and large enough to act as a deterrent to induce motor vehicle owners to refrain from illegal activity in their motor vehicles and for motor vehicle owners to question motor vehicle borrowers about the uses to which the motor vehicle will be put, and to refrain from lending a motor vehicle whenever the owner of the motor vehicle has misgivings about items that may find a temporary home in the motor vehicle, but not so large as to be grossly out of proportion to the activities that the Village is seeking to deter as public nuisances; and

WHEREAS, the fee herein provided will serve as a deterrent for the purposes of reducing, eliminating and curbing illegal activity in the Village and serve the Police Department’s community caretaking function; and

WHEREAS, an amount of five hundred and no/100 dollars (\$500.00) is a reasonable amount for the Village’s administrative costs incurred in preparing, prosecuting, hearing, and disposing of violations, proportionate to the likely combined costs of administrative proceedings and costs caused by a violator’s use of a motor vehicle to commit a violation, and large enough to function as a deterrent to committing a violation of certain laws within the Village, but not so large as to be grossly out of proportion to the activity the Village is seeking to deter; and

WHEREAS, there is a minimal risk of erroneous deprivation of a protected property interest; and

WHEREAS, requiring an owner of a motor vehicle to pay towing and storage expenses is remedial in nature in that the Village incurs expenses by towing and storing a motor vehicle, and the expenses should be borne by the violator and not the Village and its taxpayers; and

WHEREAS, it is in the best interests of the health, safety and welfare of the residents of the Village that Village police officers have the authority to seize and impound motor vehicles when such vehicles are used in the commission of a crime as defined herein as such use constitutes a public nuisance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

That Title 6, Chapter 10 of the Orland Park Village Code is hereby amended by adding the following new subsections to the end of Section 6-10-2, which shall read in its entirety as follows:

“(11) A violation of 625 ILCS 5/11-401(a)(Motor Vehicle Accidents Involving Death or Personal Injury), as amended.

(12) A violation of 625 ILCS 5/11-402(a)(Motor Vehicle Accidents Involving Damage to Vehicle), as amended.

(13) A violation of 235 ILCS 5/16-20(e) (The Consumption of Alcohol by a Minor), as amended.

(14) A violation of 720 ILCS 5/11-9(a)(2)(Public Indecency), as amended.”

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 other provisions of this Ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4

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