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Office of

SHERIFF OF FORD COUNTY

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**ORDINANCE AUTHORIZING ADMINISTRATIVE FEES FOR VEHICLES
PENDING SEIZURE AND FORFEITURE BY THE FORD COUNTY SHERIFF'S
OFFICE**

VEHICLES PENDING SEIZURE AND FORFEITURE

Any vehicle that has been seized pursuant to Illinois' Criminal or Civil laws, including but not limited to, 720 ILCS 5/36-1, the Drug Asset Forfeiture Act, or Money Laundering Act, may be towed by the Ford County Sheriff's Office or their designee to a secure impound location, including but not limited to, the tow yard of the agency used to conduct the tow, the Ford County Sheriff's Office, or any county controlled property where it shall remain until the completion of the seizure process, or until it is determined the vehicle will be released and returned.

If it is determined the vehicle shall not be seized, either by the Ford County Sheriff or the Ford County State's Attorney, there shall be a \$300.00 administrative fee payable to The Ford County Sheriff's Office. In addition to the administrative fee, any and all fees charged by the tow company shall be paid in full prior to any authorization for release.

Authority,

Mark R. Doran

Sheriff of Ford County, Illinois

**ORDINANCE/RESOLUTION AUTHORIZING ADMINISTRATIVE FEES FOR
VEHICLES PENDING SEIZURE AND FORFEITURE BY THE FORD COUNTY
SHERIFF'S OFFICE**

Whereas, The Ford County Sheriff's Office from time to time is required to tow vehicles associated with the investigation, arrest, and detention of an offender or the removal, impoundment, storage, and/or release of a vehicle;

Whereas, Chapter ⁶²⁵ILCS Section 5/11-208.7 authorizes a County to charge an administrative fee for said towing and storage activities;

Whereas, it is in the best interest of The Ford County Sheriff's Office and the citizens of Ford County to provide for the said administrative fee.

Now be it ordained/resolved by the County Board for the County of Ford,
State of Illinois as follows:

1. There is hereby established an administrative fee in the amount of \$300.00 that said amount be imposed upon the registered owner of any vehicle caused to be towed pursuant to the following occurrences:
 - a. 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
 - b. 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
 - c. 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
 - d. Operation or use of a motor vehicle in commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
 - e. 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
 - f. 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 will not be subjected to seizure or impoundment if the suspension is for an unpaid parking violations or due to failing to comply with vehicle emissions testing; or

- g. 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, of the Illinois Controlled Substances Act; or**
 - h. 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**
 - i. 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, operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or**
 - j. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this code; or**
 - k. Operation or use of a motor vehicle in 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, when so provided local ordinance; or**
 - l. Operation or use of a motor vehicle in the commission or, or attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012, when so provided by local ordinance; or**
 - m. Operation or use of a motor vehicle in violation of Section 11-503 of this code.**
- 2. Said \$300.00 Administrative fee shall be imposed upon registered owner of the motor vehicle or the agents of that owner and shall further be in addition to (i) any other penalties that may be assessed by a Court of Law for the underlined violations; and (ii) any towing or storage fee, or both, charged by the towing company.**
- 3. The towing fee shall be paid in full to the towing company, and the administrative fee of \$300.00 paid to the Ford County Sheriff's Office shall be paid in full prior to the authorization of the release of said motor vehicle.**
- 4. That said administrative fees charged pursuant to this ordinance/resolution and impoundment pursuant to this ordinance/resolution shall be subject to the following notice requirements:**
 - a. Whenever a Sheriff's Deputy has cause to believe that a motor vehicle is subject to impoundment, the deputy shall provide for the towing of the vehicle to a facility that is authorized by the County.**

- b. At the time the vehicle is towed, the County shall notify or make reasonable attempt to notify the owner, lessee, or person identifying themselves as the owner or lessee of the motor vehicle, or any person who is found to be in control of the motor 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.
 - c. The County 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 motor vehicle or a lienholder posts with the County a bond that is equal to the administrative fee as provided by ordinance/resolution and pays for all towing and storage charges to the towing company.
- 5. That the motor vehicle owner or lessee shall be entitled an ADMINISTRATIVE HEARING provision and shall be consistent with the provision.
 - 6. That nothing contained in this ordinance/resolution shall restrict the ability of The Ford County Sheriff's Office from creating towing procedures and policies that are not inconsistent with this ordinance/resolution or State Statute.

Dated this 14th day of May, 2018

Signed Rod Beggs

Ford County Board Chairperson