

ORDINANCE NO. 2026 -02

***AN ORDINANCE AMENDING TITLE VII, CHAPTER 76,
"SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES,"
OF THE VILLAGE OF KIRKLAND MUNICIPAL CODE***

WHEREAS, the Village of Kirkland, DeKalb County, Illinois, is a non-home rule municipality as contemplated by the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's powers and functions as granted in the Constitution of the State of Illinois and statutes; and

WHEREAS, Illinois Public Act 99-848 amended the authority granted to municipalities related to administrative fees for properly impounded vehicles for specified violations; and

WHEREAS, the Village has found that it is necessary and appropriate to revise its Code; and

WHEREAS, 625 ILCS 5/11-208.7 authorizes a municipality to impose a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of a vehicle; and

WHEREAS, the Village finds that the reasonable administrative fee of \$500 is incurred by the Village for the initial investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of a vehicle, and

WHEREAS, the Village incurs administrative and enforcement-related costs when a motor vehicle is impounded, including but not limited to officer time, supervisory review, records management, notice requirements, coordination with towing contractors, and administrative hearings; and

WHEREAS, the Village has determined that subsequent impoundments of the same vehicle or by the same registered owner require additional municipal resources, including enhanced review of prior enforcement history, increased supervisory involvement, expanded documentation, and more complex administrative processing; and

WHEREAS, the Village Council finds that the administrative costs associated with a second impoundment materially exceed those associated with an initial impoundment; and

WHEREAS, the administrative impoundment fees established herein are intended solely to recover the Village's actual and reasonable administrative costs and are not intended to function as penalties, fines, or revenue-generating measures;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Kirkland, DeKalb County, Illinois, as follows:

SECTION 1: Title VII, Chapter 76, Section 76.03, Seizure and Impoundment of Motor Vehicles, Subsection (C) Posting Bond, of the Kirkland Village Code shall be amended to add the underscored text and delete the struck through text as follows:

(C) *Posting bond.* If a bond in the amount of ~~\$500~~ \$750 is posted with the village, the impounded motor vehicle shall be released to the owner of record, lessee, or a lienholder of record upon the payment of the towing and storage costs to the applicable towing company. For a second impoundment of the same vehicle or by the same registered owner occurring within a twelve (12) month period, the administrative impoundment fee shall be One Thousand Dollars (\$1,000.00). If an administrative fee is imposed pursuant to § 76.04, the bond will be applied to said fee, provided that in the event that a violation of this chapter is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this section shall be held by the village until a hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision.

SECTION 2: Title VII, Chapter 76, Section 76.03, Seizure and Impoundment of Motor Vehicles, Subsection (D)(3), of the Kirkland Village Code shall be amended to add the underscored text and delete the struck through text as follows:

(3) If, after the conclusion of the hearing, the Chief of Police or his/her designee determines that there is probable cause to believe that the motor vehicle was used in the commission of a violation listed in § 76.02, the Chief of Police or his/his designee shall order the continued impoundment of the motor vehicle, unless the owner of record, lessee, or a lienholder posts a cash bond with the village in the amount of ~~\$500~~ \$750 or \$1,000 in the event of a second impoundment of the same vehicle or by the same registered owner occurring within a twelve (12) month period, and pays the towing and storage costs to the applicable towing company, as set forth in § 76.04.

SECTION 3: Title VII, Chapter 76, Section 76.04, Plea Hearing/Evidentiary Hearing, Subsections (A) and (B) of the Kirkland Village Code shall be amended to add the underscored text and delete the struck through text as follows:

(A) *Notice of hearing.* Within 10 days after a motor vehicle is impounded pursuant to this chapter, the village shall notify the owner of record or lessee and any lienholder of record of the date, time, and location of a plea hearing that shall be conducted pursuant to § 76.04. Such notice shall be served by first class mail to the address registered with the Secretary of State or by personal service to the owner of record or lessee and any lienholder of record. The plea hearing shall be conducted by a hearing officer designated by the Board of Trustees. The owner of record or lessee may appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, or if the owner of record or lessee fails to appear, the cause shall be disposed of at that time, with an order or a default order in favor of the village, which order or default order shall require the payment to the village of the ~~\$500~~ \$750 or \$1,000 administrative fee and the payment of towing

and storage costs to the applicable towing company, and the continued impoundment of the motor vehicle until the owner of record, lessee, or lienholder of record pays to the village the ~~\$500~~ \$750 or \$1,000 administrative fee and pays the towing and storage costs to the applicable towing company. If the owner of record, lessee, or lienholder of record has previously posted the bond authorized by § 76.03 and paid the applicable towing and storage costs to the towing company for the release of the vehicle, then no further fees or costs shall be due. If the owner of record or lessee pleads not guilty, an evidentiary hearing shall be scheduled and held not later than 45 days after the motor vehicle was impounded, unless continued by the hearing officer. All interested persons shall be given a reasonable opportunity to be heard at the evidentiary hearing. At any time prior to the evidentiary hearing date, the hearing officer may, at the request of either the village or the owner of record or lessee, direct witnesses to appear and give testimony at the evidentiary hearing. The formal rules of evidence shall not apply at the evidentiary hearing, and hearsay evidence shall be admissible if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(B) If, after the evidentiary hearing, the hearing officer determines, by a preponderance of the evidence, that the motor vehicle was used in connection with a violation set forth in § 76.02, the hearing officer shall enter an order finding the owner of record or lessee of the motor vehicle civilly liable to the village for an administrative fee in the amount of ~~\$500~~ \$750 or \$1,000 and require the motor vehicle to continue to be impounded until the owner of record, lessee, or lienholder of record pays the administrative fee to the village and also pays the applicable towing and storage costs to the applicable towing company. If the owner of record or lessee fails to appear at the evidentiary hearing, the hearing officer shall enter a default order in favor of the village, which order shall require the payment to the village of the ~~\$500~~ \$750 administrative fee and the payment of the towing and storage costs to the applicable towing company, and the continued impoundment of the motor vehicle until the owner of record or lessee pays the village the ~~\$500~~ \$750 or \$1,000 administrative fee and pays the towing and storage costs to the applicable towing company. If the owner of record, lessee, or a lienholder of record has previously posted the bond authorized by § 76.03 and paid the applicable towing and storage costs to the towing company for the release of the vehicle, then no further fees or costs shall be due. The ~~\$500~~ \$750 or \$1,000 administrative fee shall be a debt due to the village, and the village may seek to obtain a judgment on the debt and enforce such judgment as provided by law.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.


SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 19 day of JANUARY, 2026, by a roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee John Michener	<u>X</u>	_____	_____	_____
Trustee Sarah Ziegler	<u>X</u>	_____	_____	_____
Trustee Daniel Chambers	<u>X</u>	_____	_____	_____
Trustee Jessica Fruit	<u>X</u>	_____	_____	_____
Trustee Erik Marshall	<u>X</u>	_____	_____	_____
Trustee Brian Benes	<u>X</u>	_____	_____	_____
President Ryan Block	_____	_____	_____	_____

APPROVED THIS 19 DAY OF JANUARY, 2026



Village President Ryan Block

(SEAL)
ATTEST: 

Village Clerk Leslie Scidmore

Published: _____



CERTIFICATION

I, Leslie Scidmore, do hereby certify that I am the Clerk of the Village of Kirkland, DeKalb County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Kirkland.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Kirkland, held on the 19th day of January, 2026, the foregoing Ordinance entitled ***AN ORDINANCE AMENDING TITLE VII, CHAPTER 76, "SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES," OF THE VILLAGE OF KIRKLAND MUNICIPAL CODE*** was duly passed by the President and Board of Trustees of the Village of Kirkland.

The pamphlet form of Ordinance No. 2026-02, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 19th day of January, 2026, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Kirkland, this 19 day of January, 2026.


Leslie Scidmore, Village Clerk
Village of Kirkland
DeKalb County, Illinois

(SEAL)

