

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - ILLINOIS**

### **Saladrigas v. City of O'Fallon**

**Appellate Court of Illinois, Fifth District - August 26, 2020 - N.E.3d - 2020 IL App (5th) 190466 - 2020 WL 5035901**

Motor vehicle owners brought class action against city, alleging that city ordinance, which allowed impoundment of motor vehicles used for certain offenses and imposed a monetary charge, deprived them of substantive due process.

The Circuit Court granted summary judgment in favor of city based on finding that the charge constituted a fine. Vehicle owners appealed.

The Appellate Court held that ordinance's monetary charge constituted a fee subject to due process analysis.

Monetary charge imposed by city ordinance allowing impoundment of motor vehicles used in certain offenses constituted a fee rather than a fine, and thus remand of trial court's grant of summary judgment in favor of city in vehicle owners' action challenging the ordinance was required in order to determine whether the charge was rationally related to the costs it was intended to recoup, for purposes of determining whether ordinance deprived vehicle owners of substantive due process; ordinance preamble stated that the purpose was to "recoup costs associated with processing certain arrests," ordinance did not suggest that charge was intended to deter or punish crime, and charge was independent of a conviction for the underlying offense and did not require owners' involvement in the offense.