

Bond Case Briefs

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MUNICIPAL ORDINANCE - ILLINOIS

Lintzeris v. City of Chicago

Supreme Court of Illinois - January 20, 2023 - N.E.3d - 2023 IL 127547 - 2023 WL 329492

Vehicle owners brought putative class action against home rule city, seeking declaratory and injunctive relief and damages arising from city's ordinance imposing administrative penalties for recovery of impounded vehicles when there was probable cause to believe vehicle was used in certain enumerated offenses.

The Circuit Court dismissed action on pleadings. Owners appealed, and the Appellate Court, 2021 WL 2952783, affirmed. Owners petitioned for leave to appeal, which was allowed.

The Supreme Court held that:

- Provision of Vehicle Code authorizing municipalities to impose "a reasonable administrative fee" for costs associated with properly impounded vehicles did not preempt ordinance;
- Ordinance pertained to city's local government and affairs, supporting finding that ordinance was not preempted by Vehicle Code, regulating vehicles generally;
- Penalty imposed by ordinance was intended as civil rather than criminal, supporting finding that imposition of penalty did not violate double jeopardy; and
- Penalty was not so punitive as to render it criminal in nature, supporting finding that imposition of penalty did not violate double jeopardy.