



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 024-031
DATE OF PASSAGE April 23, 2024

An Ordinance Amending Chapter 29, Article II, Creating "Section 32, Fleeing and Eluding."

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, fleeing or attempting to elude a peace officer occurs when a "driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer" 625 ILCS 5/11-204(a); and

WHEREAS, in recent years the police department has seen a sharp increase in motor vehicle fleeing and eluding incidents. There were 126 incidents in 2023, up from 99 in 2021, 96 in 2020 and 76 in 2019; and

WHEREAS, the criminal investigation and prosecution of motor vehicle fleeing and eluding cases requires significant police resources, including, but not limited to, multiple hours spent reviewing video, preparing police reports, conducting interviews, and conducting internal administrative reviews; often without any arrests due to not being able to positively identify the driver of a fleeing vehicle; and

WHEREAS, absent a positive identification of a driver of a motor vehicle, the registered owner of a motor vehicle is in the best position to know who is operating the registered owner's motor vehicle and to prevent the motor vehicle from being used to flee or attempt to elude a peace officer; and

WHEREAS, for the benefit of the health, safety and welfare of the City's citizens, when drivers or operators of a motor vehicle commit criminal violations for fleeing or attempting to elude a peace officer are not able to be apprehended, it is necessary and

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desirable to charge the registered owner of the vehicle used to flee and elude the police; and

WHEREAS, in an effort to protect the public health, safety, and welfare, the City of has a clear and compelling interest in exercising its home rule authority as set forth herein; and

WHEREASE, the City Council deems it to be in the best interest of the health, safety, and public welfare to amend Article II of Chapter 29, regarding Offenses to the Public, by adding section 32, Fleeing and Eluding.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 29, Article II, of the Code of Ordinances shall be and hereby is amended to add section 32 "Fleeing and Eluding," as reflected in Exhibit A, and further;

BE IT ORDAINED, that the Corporation Counsel and City Clerk shall be and hereby are authorized and directed to correct any scrivener's or other non-substantive errors in Exhibit A upon codification.

ORDINANCE NO. 024-031

LEGISTAR NO. 24-0053

PASSED AND APPROVED ON April 23, 2024

AYES 10 NAYS 1 NOT VOTING 1 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	no
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	Present
Alderman Woerman, At Large	yes

ATTEST:


City Clerk Jennifer Stallings


Mayor Richard C. Irvin

CHAPTER 29 OFFENSES; MISCELLANEOUS

ARTICLE II - OFFENSES AGAINST THE PUBLIC PEACE

29-32 FLEEING AND ELUDING

- (a) If a police officer has probable cause to believe a motor vehicle was driven or operated within the jurisdictional limits of the city to commit the criminal offense of fleeing or attempting to elude a peace officer, the registered owner may be charged with a violation of this section.
- (b) Violations of this section shall be brought in the name of the city and adjudicated before an administrative hearing officer in the manner set forth in chapter 3 of this code.
- (c) The violation notice shall be issued to the registered owner. The registered owner of the motor vehicle shall be established by the Police Department's vehicle registration inquiry with the Illinois Secretary of State. In addition to the requirements of section 3-105 of this code, the violation notice shall also include:
 - (1) A statement that the driver or operator of a motor vehicle registered to said owner fled or attempted to elude a city police officer after having been given a visual or audible signal by a peace officer directing such driver or operator to bring his or her vehicle to a stop.
 - (2) Description of the motor vehicle as contained in the police officer's report.
- (d) Fines for a violation:
 - (1) A first offense shall be a minimum fine of one thousand dollars (\$1,000.00).
 - (2) For each subsequent offense the fine shall increase by at least one thousand dollars (\$1,000.00).

State law reference: 625 ILCS 11-204 and 625 ILCS 11-204.1