

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 15 (“MOTOR VEHICLES AND TRAFFIC”), ARTICLE 1 (“IN GENERAL”) AND ARTICLE 10 (“TOWING, IMMOBILIZATION AND IMPOUNDMENT OF MOTOR VEHICLES OR MOTOR VEHICLES CONTAINING UNLAWFUL FIREARMS”) OF THE OAK PARK VILLAGE CODE TO DESIGNATE CERTAIN STREETS IN THE VILLAGE AS TOW ZONES

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970;

WHEREAS, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6;

WHEREAS, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village further is authorized to “regulate the use of the streets” in the Village and to restrict part of each street for “residents parking only” pursuant to Section 11-80-2, 65 ILCS 5/11-80-2, and Section 11-80-2a, 65 ILCS 5/11-80-2a, respectively of the Illinois Municipal Code; and

WHEREAS, the Village Board has determined to adopt this Ordinance pursuant to its home rule authority and the authority granted by the above referenced sections of the Illinois Municipal Code to designate the 1150 to 1200 blocks of South Cuyler Avenue, South Harvey Avenue and South Highland Avenue as tow zones.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 15 (“Motor Vehicles and Traffic”), Article 1 (“In General”) of the Oak Park Village Code is amended to add a new Section 15-1-28 (“Parking in a Tow Zone”) as follows:

15-1-28: PARKING IN A TOW ZONE:

A. At the times herein specified and as designated by authorized signage, no person shall directly or indirectly park or permit a vehicle owned or controlled by said person to be parked at the locations on the streets set forth below which are designated as tow zones Monday through Sunday from 10:00 p.m. to 2:30 a.m.:

1. The 1150 to 1200 block of South Cuyler Avenue;
2. The 1150 to 1200 block of South Harvey Avenue; and
3. The 1150 to 1200 block of South Highland Avenue.

B. The specifically prohibited tow zone areas from which vehicles may be towed shall be posted by the Village with a notice at or near the sign identifying the prohibited parking which provides "TOW ZONE" or with a reasonable notice which conveys substantially similar information. No person shall directly or indirectly or permit a vehicle owned or controlled by that person to be parked in the Village in violation of any such prohibited parking. All Village's police officers shall have the authority to authorize the towing removal and storage of such a vehicle.

C. Residents of the blocks set forth in subsection A above who have current Village vehicle licenses may park their vehicles during the designated tow zones dates and times and shall not be considered unlawfully parked when a resident parks their vehicle on a block on which they reside. Guests of such residents shall be eligible to obtain Village guest passes to park within a tow zone and shall not be considered unlawfully parked during the applicable period of time for which a guest pass has been issued by the Village. Passes shall be obtained in a form designated by the Village.

Section 3. Village Code Amended. Chapter 15 ("Motor Vehicles and Traffic"), Article 10 ("Towing, Immobilization and Impoundment of Motor Vehicles or Motor Vehicles Containing Unlawful Firearms") of the Oak Park Village Code is amended to add the underlined language and delete the overstricken language as follows:

15-10-2: TOWING WITHOUT NOTICE:

Motor vehicles may be towed without notice under the following circumstances:

- A. Where a motor vehicle creates a traffic, health or safety hazard on a public street.
- B. Where a motor vehicle is parked in violation of the emergency snow parking regulations of section 15-1-22 of this chapter, as amended.
- C. Where a motor vehicle is parked in a public parking lot or in a private parking lot which is

posted with proper signage in accordance with 625 Illinois Compiled Statutes 5/4-203(e)(5) without the consent of the lot owner, proprietor or agent of the property, which person has requested that the vehicle be towed.

Within twenty four (24) hours after towing a motor vehicle pursuant to these provisions, a notice shall be sent to the owner of the vehicle as provided in section 15-10-5 of this article, as amended.

D. Where a motor vehicle is found to contain an unlawful weapon, pursuant to section 27-4-1 of this Code, as amended, or a police officer has probable cause to believe a vehicle contains an unlawful weapon, pursuant to section 27-2-1 of this Code, as amended.

E. Where a motor vehicle is parked in violation of section 15-1-28 of this chapter, as amended.

* * * *

15-10-11: PROCEDURES FOR POSTTOW HEARING:

Designated personnel shall, upon receipt of a hearing request, fully and accurately complete the request for a vehicle tow hearing form and deliver copies of those records specified in this section to the ~~Village Manager of the Village of Oak Park or such other official as the Village Manager may designate to conduct a hearing~~ Office of Adjudication. The records include, but are not limited to, police reports, a motor vehicle inventory report, any cash receipts for towing and storage fees, towing and other cash reports, copies of outstanding parking and traffic citations and warrants, as well as registration information. In the case of impoundment for a violation of section 27-2-1 of this code, any and all records in the possession of the Village relating to such alleged violation shall be delivered to the hearing officer in a timely manner.

15-10-12: SCHEDULING OF POSTTOW HEARINGS:

Hearings are held on weekdays from nine thirty o'clock (9:30) A.M. to twelve o'clock (12:00) noon and from one thirty o'clock (1:30) P.M. to four o'clock (4:00) P.M. in Village Hall in rooms to be designated by the ~~Village Manager~~ Office of Adjudication. Hearings shall take place as follows:

A. In those instances where the vehicle has been released upon deposit of funds to cover the fees, charges and penalties associated with the tow and impoundment, the hearing shall take place within seven (7) days of such payment unless a later date is requested by the owner, not to exceed fifteen (15) days after release of the vehicle.

B. In those instances where the vehicle is still impounded, the hearing shall take place either within twenty four (24) hours after a request for hearing, excluding Saturdays, Sundays and holidays, or within fifteen (15) days of said request at the option of the owner and on a date convenient for all parties.

C. Where a hearing request is made after five o'clock (5:00) P.M. on a particular day, the time period within which the hearing must be held shall not begin to run until the first working day following the request.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this ___ day of _____, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this ___ day of _____, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this ___ day of _____, 2023.

Christina M. Waters, Village Clerk