

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 29 ("ADMINISTRATIVE ADJUDICATION"), ARTICLE 2 ("ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS"), SECTION 29-2-13 ("IMMOBILIZATION PROGRAM") OF THE OAK PARK VILLAGE CODE REGARDING THE FEE FOR THE REMOVAL OF AN IMMOBILIZATION DEVICE**

**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. Village Code Amended.** Chapter 29 ("Administrative Adjudication"), Article 2 ("Administrative Adjudication of Parking Violations"), Section 29-2-13 ("Immobilization Program") of the Oak Park Village Code is amended by deleting the overstricken language and adding the underlined language to read as follows:

#### **29-2-13: IMMOBILIZATION PROGRAM:**

A. The Village Parking Services Manager or his/her designee is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking ordinances of the traffic code. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle located on the public way or any Village owned property by placement of a restraint in such a manner as to prevent its operation. Only vehicles with State registration numbers set forth on a vehicle immobilization eligibility list may be immobilized.

B. When the registered owner of one or more vehicles has accumulated five (5) or more final determinations of parking violation liability on any and all vehicles registered to that owner, in any combination, for which the fines and applicable penalties, if applicable, have not been paid in full, the Village Manager and/or his/her designee shall cause a notice of impending vehicle immobilization to be sent to the owner of such vehicle(s) in accordance with section 29-2-12 of this article or placed on the owner's vehicle when the owner cannot be reached by mail. The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and a list detailing serial numbers of the parking violation notices which have resulted in a final determination of liability for which fines and/or penalties remain unpaid. Failure to pay the total amount of the fines and penalties owed within twenty one (21) days from the date of the notice will result in the inclusion of the ~~state~~ State registration number of all vehicles of such owner on a vehicle immobilization eligibility list; a person will not be removed from the immobilization eligibility list unless all outstanding tickets are paid in full. A person may challenge the validity of the notice of impending vehicle immobilization by requesting a hearing and appearing in person to submit evidence which would disprove liability within twenty one (21)

days of the date of the notice. All of the above information shall also appear in the notice. Documentary evidence which disproves liability shall be based on the following grounds:

1. That all fines and penalties for the violations cited in the notice have been paid in full; or

2. That the registered owner has not accumulated five (5) or more final determinations of parking violation liability which were unpaid at the time the notice of impending vehicle immobilization was issued.

C. Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous place. Such notice shall warn that the vehicle is immobilized and that any attempt to move the vehicle may result in its damage. The notice shall also state that the unauthorized removal of or damage to the immobilizing restraint is a violation of subsection 29-2-13H of this section. The notice shall also state the manner in which the immobilization device may be released, and the manner in which the registered owner may obtain an immobilization hearing. If the owner of the vehicle has not caused the immobilization device to be released in accordance with the procedures established in this article within twenty four (24) hours of its placement, the Village may release the device and may tow and impound the vehicle.

D. The owner of an immobilized vehicle or other authorized person may secure the release of the vehicle by paying the immobilization, towing and storage fees provided in subsection 29-2-13G of this section, and all fines and penalties remaining due on each final determination of liability issued to such person.

E. The owner of an immobilized vehicle shall have the right to a hearing to determine whether the immobilization or any subsequent towing was erroneous, if the owner files a written request with the Office of Adjudication for a hearing with the Village Manager and/or his/her designee within fourteen (14) days after immobilization or fourteen (14) days of the date of the notice sent pursuant to subsection 29-2-13F of this section, whichever is later. Hearings requested pursuant to this subsection shall be conducted by the Village Manager and/or his/her designee upon receipt of a written request for a hearing. The determination made by the Village Manager and/or his/her designee regarding the validity of the immobilization shall become final.

F. Within ten (10) days after a vehicle has been impounded, a notice of impoundment shall be sent by certified mail, return receipt requested, to the address of the registered owner as listed with the Secretary of State. The notice shall state that the owner has the right to request a post immobilization and post ~~towing~~ tow hearing as provided in subsection 29-2-13E of this section, and that if

the vehicle is not claimed within thirty (30) days from the date of the notice, the vehicle may be sold or otherwise disposed of in accordance with sections 4-208(b) and 4-209 of the Illinois Vehicle Code.

G. The fee for removal of immobilization device shall be one hundred ~~twenty five~~ fifty dollars (~~\$125.00~~ \$150.00). Fees for towing and storage will be the current year's Village contract price for said services.

H. It shall be unlawful for any person other than a Village employee or authorized representative to remove or damage the immobilization device or to relocate or tow any vehicle restrained by an immobilization device without the prior approval of the Village Manager or his or her designee. Any person who violates this section shall be subject to a penalty of seven hundred fifty dollars (\$750.00) for each such violation.

**Section 2. 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 3. 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 \_\_\_\_\_, 201\_, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 201\_.

---

Anan Abu-Taleb, Village President

**ATTEST**

---

Vicki Scaman, Village Clerk

Published in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

---

Vicki Scaman, Village Clerk