

ORDINANCE

AN ORDINANCE ESTABLISHING A PARKING CITATION AMNESTY PROGRAM FOR THE TIME PERIOD OF 2017 AND PRIOR RELATED TO PARKING CITATION LATE FEES

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; and

WHEREAS, as a home rule unit, the Village of Oak Park's powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, pursuant to the Village's home rule authority, the Village has determined to establish a parking citation amnesty program for citations issued in 2017 and prior during which late penalties for citations issued during said time period shall be waived.

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 by reference as though fully set forth.

Section 2. Amnesty Program. During the period of February 4, 2019 through April 4, 2019 at 5:00 p.m., the Village shall waive all late penalties for any unpaid parking citations that were issued in 2017 and prior ("Amnesty Program") for which fines and penalties were assessed pursuant to Section 15-5-1 ("Schedule of Fines and Penalties for Parking Violations"), Section 15-5-3 ("Fines and Penalties; Village Vehicle Sticker") and Section 29-2-10 ("Additional Penalty for Failure to Pay Fines and Penalties Imposed by a Final Determination of Liability") of the Oak Park Village Code ("Village Code"). All applicable fines must be paid to be eligible for the waiver of late penalties. Fines for applicable citations may be paid individually or in bulk. All payments posted prior to the February 4, 2019 start date for the Amnesty Program that were posted in an amount equal to or greater than the initial fine shall automatically be included in the Amnesty Program and the late penalty shall be waived for such citations.

Section 3. Immobilization of Vehicles. The immobilization of vehicles pursuant to Section 15-10-3 ("Immobilization of Vehicles for Parking Violations Directed by Administrative Adjudication"), Section 29-2-9 ("Final Determination of Parking Liability") and Section 29-2-13 ("Immobilization Program") of the Village Code shall not occur during the Amnesty Program period.

Section 4. Post Judgment Collection Activity. All post judgment collection activity by the Village or by any Village collections contractor for late penalties for unpaid 2017 parking citations and prior shall not occur during the Amnesty Program period.

Section 5. Payment Plans. The Village shall not enter into any new payment plans under Section 29-2-17 ("Installment Payment Plans") and Section 29-2-18 ("Early Payment Installment Plans") of the Village Code during the Amnesty Program period. Current payment plans applicable to parking citations issued during 2017 and prior shall be modified to allow payment plan parties to modify their payments to apply to any eligible, unpaid initial fines in order to obtain the waiver of late penalties.

Section 6. Conclusion of Amnesty Program. At the conclusion of the Amnesty Program, collection activity shall resume for any remaining unpaid citations that were eligible for the Amnesty Program and late penalties shall be applicable for such citations.

Section 7. 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 8. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 28th day of January, 2019, 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 28th day of January, 2019.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 28th day of January, 2019.

Vicki Scaman, Village Clerk