

**AN ORDINANCE AMENDING CHAPTER 3 "CODE HEARING
UNIT ADJUDICATION" OF THE CODE OF ORDINANCES**

WHEREAS, Section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3), expressly authorizes municipalities to provide by ordinance for a system of administrative adjudication of standing, parking and compliance violations for vehicles; and

WHEREAS, Section 11-208.3 of the Illinois Vehicle Code further authorizes municipalities to provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of parking regulations; and

WHEREAS, the City Council of the City of Rolling Meadows has determined that there exists numerous persons that have accumulated more than five (5) final determinations of violation liability for standing, parking or compliance violations of Chapters 3 or 106 of the City Code of Ordinances ("Code"); and

WHEREAS, the City Council has further determined that the institution of a system of administrative adjudication of vehicular standing, parking and compliance violations and the utilization of the vehicular immobilization devices will aid in the enforcement of those regulations as set forth in the Code and further facilitate the collection of unsatisfied and unpaid outstanding standing, parking and compliance violation fines; and

WHEREAS, the City Council has determined that the implementation of a system for the administrative adjudication of vehicular standing, parking and compliance violations and the

implementation of vehicle immobilization devices is in the best interest of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois, as follows:

Section One: Section 3-50(1) of Chapter 3, "Administrative Adjudication of Vehicular Standing, Parking and Compliance Violations" of the City Code of Ordinances is hereby amended to be as follows:

(1) The Chief of Police and/or his designee shall be the Traffic Compliance Administrator. The Mayor with the advice and consent of the City Council is authorized to appoint persons to hold the remaining positions herein above set forth. One person may hold and fulfill the requirements of one or more of the above stated positions.

Section Two: Sections 3-59, 3-60 and 3-61 of Chapter 3, "Administrative Adjudication of Vehicular Standing, Parking and Compliance Violations" of the City Code of Ordinances are hereby repealed.

Section Three: Chapter 3, "Administrative Adjudication of Vehicular Standing, Parking and Compliance Violations" is hereby amended by adding thereto, the following:

Sec. 3-59. Vehicle Immobilization:

- (a) The provisions of this section shall provide for a program of vehicle immobilization for the purpose of facilitating enforcement of vehicular standing, parking and compliance regulations and this program of vehicle immobilization shall provide for immobilizing any eligible vehicle found to be on the public way by the installation of a device of restraint to prevent the operation of said vehicle.

- (b) Any vehicle shall be eligible for immobilization when, at the time of immobilization, the registered owner of said vehicle has accumulated five (5) or more unpaid final determinations of parking, standing, or compliance violations in accordance with Chapter 3 of the Code of Ordinances or by a court of competent jurisdiction.
- (c) At least fourteen (14) days prior to vehicle immobilization, a notice of intended vehicle immobilization and a right to a hearing to challenge the validity of the notice of impending immobilization by disproving liability for unpaid final determinations of parking, standing, or compliance violations listed on the notice, shall be sent to the vehicle's registered owner first class United States mail, postage prepaid, at the address of the registered owner recorded with the Secretary of State or, in the event that a vehicle bearing a registration number of a state other than the State of Illinois at the address of the registered owner recorded in that state's registry of motor vehicles. The impending immobilization notice shall state the name and address of the registered owner, the state registration number of the vehicle, the nature of the ordinances violated and the numbers and issue dates of the outstanding violation notices. The notice shall also advise that a person may challenge the validity of the notice of impending vehicle immobilization by appearing in person on the date, time and location as set forth in the notice and submitting evidence which would conclusively disprove liability. Evidence shall be limited to the following:

- a) that the person was not the owner or lessee of the vehicle on the date or dates the notices of violations were issued; or
 - b) that the fines or penalties for the violations cited in the notice were paid; or
 - c) the registered owner has not accumulated five (5) or more violation notices which are unpaid, not adjudicated or for which no appearance has been filed.
- d) In the event the registered owner of the vehicle fails to challenge the validity of the notice within fourteen (14) days of the notice or fails to satisfy those fines and penalties determined to be due and owing, then the vehicle shall be immobilized.
- e) Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous place and such notice shall warn that the vehicle is immobilized and that any attempt to move the vehicle may result in damage to the vehicle. In addition, the notice shall also state that the unauthorized removal of or damage to the immobilizing restraint is a violation of Section 16-1 and 21-1 of the Illinois Criminal Code (720 ILCS 5/1-1, *et seq.*). The notice shall further provide information specifying how release of immobilizing restraint may be had and how the registered owner may obtain an immobilization hearing.
- (f) In the event the immobilizing restraint has not been released, as hereinafter provided, within forty-eight (48) hours of its placement on the

vehicle, then the restraint shall be released and the vehicle towed and impounded at the direction of the Chief of Police.

- (g) Prior to a hearing on the validity of vehicle immobilization as hereinafter provided, the owner of an immobilized vehicle or other authorized person shall be permitted to secure the release of the vehicle by paying a deposit in an amount equal to the immobilization, towing and storage fees, if applicable, as hereinafter specified plus a bond in an amount equal to the total fines and late fees determined to be due and owing.
- (h) Within ten (10) days after a vehicle has been impounded, notice of impoundment shall be sent by United States certified mail, return receipt requested and first class United States mail postage prepaid to the registered owner of the vehicle. The notice of impoundment shall state that the owner has a right to a post immobilization and post towing hearing as hereinafter provided 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 applicable state law.
- (i) The registered owner of an immobilized vehicle shall have the right to a hearing to determine whether the immobilization or any subsequent towing was erroneous if he/she files a written demand for a hearing with the City of Rolling Meadows traffic compliance administrator within fourteen (14) days after issuance of the immobilization notice or within fourteen (14) days of the immobilization, whichever is later. Any such hearing requested shall be conducted within five (5) days of receipt of the

written demand for hearing unless otherwise mutually agreed by the parties. Failure to request or attend a scheduled hearing shall be deemed a waiver of the right to a hearing. In the event of such failure, any amounts deposited pursuant to subsection (g) shall be forfeited. A hearing provided pursuant to this subsection shall not determine the validity of or otherwise adjudicate any citation or notice of parking, standing, or compliance violation issued relative to the immobilized vehicle. Any order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101, *et seq.*

- (j) The fee for immobilization shall be Two Hundred (\$200.00) Dollars. In addition thereto, the registered owner shall be responsible for all costs associated with towing subsequent to immobilization as well as any and all storage fees incurred. Notwithstanding anything to the contrary, no fee shall be assessed for immobilization, towing, or storage when such action has been determined to be erroneous.
- (k) It shall be unlawful for any person to relocate or to tow any vehicle restrained by an immobilizing device without the prior approval of the traffic compliance administrator. Any person who relocates or otherwise moves an immobilized vehicle or attempts to remove an immobilization device placed on a vehicle in violation of the provisions of this ordinance shall be fined in an amount not to exceed Seven Hundred Fifty (\$750.00) Dollars.

Section Four: This Ordinance shall be printed and published in pamphlet form by order of the City Council of the City of Rolling Meadows, Illinois.

Section Five: This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

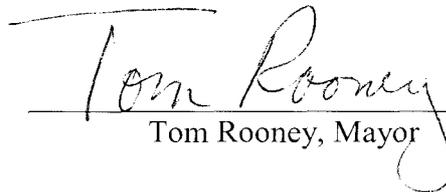
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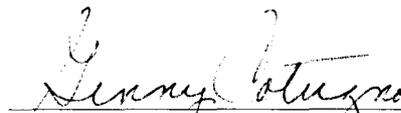
ABSENT: Buske

Passed this 24th day of January 2012.

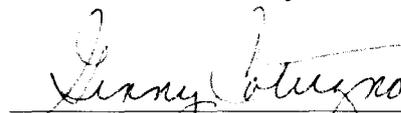
Approved this 24th day of January 2012.


Tom Rooney, Mayor

ATTEST:


Ginny Cotugno, Deputy City Clerk

Published this 25th day of January 2012.


Ginny Cotugno, Deputy City Clerk