

ORDINANCE NO. 2012-08

AN ORDINANCE AMENDING CHAPTER 14, "MOTOR VEHICLES AND TRAFFIC", OF THE ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS BY REVISING ARTICLE III, DIVISION 7, "STOPPING, STANDING AND PARKING."

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT AS FOLLOWS:

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, THE Village of Stickney seeks to maintain the safety and appearance of the streets and roadways throughout the Village; and

**WHEREAS**, the Village of Stickney maintains certain regulations of the streets and sidewalks and enforces certain regulations of the State of Illinois; and

**WHEREAS**, the President and Board of Trustees of the Village of Stickney seek to update the guidelines pertaining to violations subject to immobilization of vehicles by the Village.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEE OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS.

**Section 1. Recitals.** The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Adoption.** Chapter 14 Article III, Division 7, Section 14-163 (d) Violations and Penalties, of the Municipal Code of the Village of Stickney shall be amended to read as follows:

**Sec. 14-163. Violations and Penalties.**

(d) The police department and all members thereof assigned to traffic duty are hereby authorized to use immobilization equipment on any vehicle when the registered owner of the vehicle has accumulated five or more unpaid tickets for violations of any of the provisions of this chapter of these codified ordinances.

(1) According to (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3) Sec. 11-208.3 (11) (c) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular/parking violations.

(2) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(3) Any municipality establishing vehicular standing, parking, compliance, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

- a. Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, or automated traffic law violation liability, or both, as determined by ordinance.
- b. A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, or automated traffic law violation liability, or both, listed on the notice.
- c. The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without the completion of the required traffic education program or payment of the outstanding fines and penalties on parking, standing, compliance, or automated traffic law violations, or both, for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.
- d. A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

**Section 3. Home Rule.** This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

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

**Section 5. Conflicts.** This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 7. Certification and Publication.** The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois this 15th day of May, 2012

AYES: Trustees Horne, Morelli, Schimel, Walik, White and Zeedyk

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED by me this 16th day of May, 2012

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President Daniel A. O'Reilly of the Village  
of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,  
and published in pamphlet form  
this 16th day of May, 2012

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Audrey McAdams  
Clerk of the Village of Stickney, Cook County, Illinois