

ORDINANCE NO. 2018-08

AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-196 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING VEHICLE IMMOBILIZATION, TOWING AND IMPOUNDING

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Municipal Code, Village of Stickney, Illinois (the "Village Code") currently imposes an impoundment fee of Five Hundred and No/100 U.S. Dollars (\$500.00) when a vehicle is used in connection with certain offenses, including driving under the influence of alcohol, drugs or other intoxicating substances (the "Impoundment Fee"); and

WHEREAS, the Corporate Authorities recognize the need to deter such offenses in order to ensure the safety of drivers and pedestrians within the Village; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Chapter 14, Section 14-196 of the Village Code to increase the Impoundment Fee as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 14, Section 14-196 of the Village Code to increase the Impoundment Fee, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
**AMENDMENT OF CHAPTER 14, SECTION 14-196 OF THE MUNICIPAL CODE, VILLAGE
OF STICKNEY, ILLINOIS**

SECTION 3.0 AMENDMENT OF CHAPTER 14, SECTION 14-196.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-196 as follows:

14-196. - Conduct prohibited.

(a) A motor vehicle used in connection with any of the following violations may be subject to immediate seizure and/or impoundment by the village and the owner of record of said vehicle shall be liable to the village for any administrative penalty of ~~\$500.00~~\$750.00, plus any applicable towing fees.

(1) Driving under the influence of alcohol, other drug or drugs, intoxicating compound(s) or any combination thereof, or possession of drugs or intoxicating compound(s) as provided by the Illinois Compiled Statutes (625 ILCS 5/11-501(a)).

(2) Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, pursuant to the Illinois Compiled Statutes (625 ILCS 5/6-303) or is suspended or revoked for any other reason and the vehicle is being operated in violation of 625 ILCS 5/6-303.

(3) Driving without a valid driver's license pursuant to Illinois Compiled Statutes (625 ILCS 5/6-101).

(4) Arrest for any felony offense pursuant to the Illinois Compiled Statutes (720 ILCS).

(5) The operation of any motor vehicle with open alcohol in violation of 625 ILCS 5/11-502.

(6) Any vehicle being operated or having been operated while the operator or occupants of the vehicle are in the commission of or fleeing from the commission of a crime constituting a charge of a class A misdemeanor, or any felony.

(7) An accident involved motor vehicle.

(8) A hazardous vehicle.

(9) A derelict motor vehicle, including any vehicle which has been immobilized for 72 hours or more pursuant to section 14-195.10.

(10) Any motor vehicle that is parked on a public way, alley or a loading zone in violation of sections 14-143, 14-145, 14-148, 14-150, or 14-154 of this Code.

(11) Any motor vehicle that is illegally parked in a tow away zone.

(12) Any motor vehicle that is inoperable due to the arrest of the owner or operator.

(13) Any motor vehicle or motor vehicle displaying a license plate that has ten or more tickets for parking and/or traffic violations when no bond or payment has been received for the outstanding violations.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith, including, but not limited to, the installation of any street or parking signs as contemplated herein. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

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PASSED this 21st day of March, 2018.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 21st day of March, 2018.

Jeff Walik, President

ATTESTED AND FILED in my
office this 22nd day of March, 2018.

Audrey McAdams, Village Clerk