

ORDINANCE NO. 2018-43

AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-141 AND DIVISION 9 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 sets forth certain regulations for the immobilization, towing and impounding of vehicles (the “Existing Regulations”); and

WHEREAS, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time; and

WHEREAS, the Corporate Authorities find that certain technology and tools exist that are meant to remove and subvert immobilization devices, such as the device commonly known as “the Boot”, and that these technologies and tools have been used to remove “the Boot” on certain immobilized vehicles in the Village and in other communities in the State of Illinois; and

WHEREAS, as a result of the risk of removal of the devices, and to prevent the Village from having to further pay for the replacement of such immobilization devices, the Corporate Authorities hereby find that it is necessary to amend, update and clarify the Existing Regulations to repeal certain sections of the Village Code providing for immobilization of vehicles and replace the same to provide for the towing and impoundment of vehicles in certain specified circumstances; 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 14-141 and Division 9 of the Village Code as set forth below;

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 14-141 and Division 9 of the Village Code to update, amend, and clarify the Village’s Existing Regulations, 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 14-141 AND DIVISION 9 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0 AMENDMENT OF CHAPTER 14, SECTION 14-141

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-141 by striking out any language to be removed or repealed and underlining and new language as follows:

Sec. 14-141. - Removal of illegally parked vehicles.

- (a) In addition to Chapter 14, Division 9, the police department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any other illegally parked vehicle which is parked in any public street or any other public place.
- (b) Cars so towed away shall be stored on village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the village in removing and storing such vehicles.
- (c) ~~In lieu of or in addition to other remedies provided for under these codified ordinances, the police department is hereby authorized to use immobilization equipment on any vehicle found to be in violation of any of the provisions of these codified ordinances.~~
 - (1) ~~The use of such equipment is authorized for the purpose of reducing or eliminating costs of towing, impounding and inventorying such vehicles, reducing the additional time and expense concerning the issuance of tag-on citations and the processing of the same and deterring would-be "scofflaws" from consistent violations of these codified ordinances.~~
 - (2) ~~No person shall injure, damage or otherwise destroy any immobilization equipment belonging to the police department and attached to any vehicle.~~
 - (3) ~~Within 72 hours of the placement of any immobilization equipment, if the owner of the vehicle does not contact the police department and the equipment is still on the vehicle, the village and the police department are authorized to tow the vehicle at the owner's expense, including the following described expenses: The cost to remove the immobilization equipment shall be \$200.00, plus the cost of any outstanding citations and/or traffic or parking violations, towing charges and storage fees charged by the towing agent or the village, as applicable. A \$50.00 per day storage fee for vehicles stored on village property.~~

SECTION 3.1 AMENDMENT OF CHAPTER 14, DIVISION 9.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Division 9 as follows:

DIVISION 9. - VEHICLE IMMOBILIZATION, TOWING, SEIZURE AND IMPOUNDMENT

Sec. 14-195. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means a vehicle parked or otherwise located on the public way or public property and:

- (1) In such a state of disrepair that it is incapable of being driven; or
- (2) That has been unmoved for a period of five (5) days.

Accident involved vehicle means a vehicle that is inoperable due to an accident and that is located so as to constitute an obstruction to the normal flow of traffic.

Business day means any day in which the office of the village clerk is open to the public for a minimum of seven (7) hours.

Derelict motor vehicle means a vehicle that lacks wheels, motor, transmission, battery or any other component part such that it is inoperable and constitutes a hazard to the public.

Hazardous vehicle means a vehicle on any public way that, by its condition or location, constitutes a clear and present danger to the safety of the public or an obstruction to the normal flow of traffic. A vehicle is presumed to be hazardous when the vehicle has an uncovered cargo area, including, but not limited to, a pickup truck, and the uncovered cargo area contains cargo above the top portion of the manufacturer-provided sidewall of the cargo area.

Impound Lot means any real property owned by or in the lawful possession or control of the tow service for which will be properly used in accordance with the zoning laws of the Village of Stickney for the relocation to and storage of vehicles as provided for by the Village Code.

Motor vehicle means every vehicle which is self-propelled, including, but not limited to, automobiles, trucks, vans, motorcycles and motor scooters.

No parking obstruction vehicle means a motor vehicle located on a public way at a time or in such a manner as to be in violation of Chapter 14, Article III, Division 7.

Owner means the registered or legal owner or person who is otherwise entitled to possession of the motor vehicle, including those persons who possess a vehicle by operation of a lease agreement.

Police Chief shall mean the Chief of Police of the Village of Stickney Police Department, or his authorized designee.

Tow service means any company or service provider that is licensed by the State of Illinois and that operates at least one tow vehicle, as defined in this Division.

Tow vehicle means any truck permanently equipped with booms, towbars, winches, dollies or similar equipment maintained and designed for the recovery and transportation

of vehicles, which adhere to the specifications for tow trucks enumerated in Illinois Compiled Statutes, 625 ILCS 5/12-606.

Vehicle parked on public and/or private property without consent means a motor vehicle:

- (1) Parked in a public parking lot or in a private parking lot without the consent of the lot owner, proprietor or agent of the property, which person has requested that, at the expense of the motor vehicle owner, the motor vehicle be towed; or
- (2) Located on private property when the property owner, proprietor or agent is unknown and the motor vehicle owner cannot be determined or contacted.

Sec. 14-195.01. – Immobilization or Towing and Impoundment of Motor Vehicles for Unpaid Parking Tickets.

(a) *Authorized.*

- (1) The immobilization towing and impoundment of motor vehicles by the village or its contractor shall be authorized in accordance with the provisions of this division. The Police Chief is authorized to immediately and without prior notice tow away or cause to be towed away any vehicle on any public street, public place, or private property when the motor vehicle is:

i. An accident-involved motor vehicle;

ii. A hazardous vehicle;

iii. A derelict motor vehicle;

iv. A vehicle parked in violation of Section 14-141;

v. A tree-cutting obstruction vehicle;

vi. A street or sewer maintenance obstruction vehicle;

vii. A tow away zone obstruction vehicle;

viii. Not operable due to the arrest of the owner or operator;

ix. An improperly stored motor vehicle or other equipment on a private lot; and

x. A motor vehicle that has ten (10) or more tickets for parking and/or traffic violations when no bond or payment has been received for the outstanding violations.

- (2) Notwithstanding the foregoing, the village may serve the owner of the motor vehicle who has five (5) or more unpaid tickets for parking and/or traffic violations, when no bond or payment has been received for the outstanding violations, that said vehicle shall be towed if the tickets and all late fees or penalties are not paid in full five (5) business days of receipt of the final notice, as provided in subsection (b) herein. In the event that said tickets and late fees or penalties are not paid within five (5) business days after said notice is received, where receipt shall be presumed to have occurred within three (3) business days of the date the notice was mailed, the Village may proceed to tow the vehicle at any time.

~~(b) *Placement of locking devices without notice* A motor vehicle may be without prior notice by placing a locking device on the wheel where there are five (5) or more tickets for parking or traffic violations for which the owner or operator has been found liable and where said tickets remain unpaid and in arrears.~~

(b) Notices prior to towing and impoundment of vehicle.

Prior to the vehicle being towed, the owner of the vehicle shall have been sent at least two (2) written notices that the owner has at least five (5) outstanding and unpaid parking and/or traffic tickets and that a failure to pay these tickets or request a hearing within five (5) calendar days may result in the vehicle being towed and impounded by the Village or its agent. Each notice shall be labelled as to whether the notice is the first notice ("warning notice") or the second notice ("final notice"). After five (5) days after receipt of the final notice, where receipt shall be presumed to have occurred after three (3) business days of sending the notice, the Village may proceed with towing and impounding the vehicle unless all unpaid tickets have been paid or a hearing has been requested as provided in this subsection.

(c) ~~*Service of notice after immobilization*~~

~~(1) Vehicles registered in Illinois. The police department shall send a notice to the owner within (24) hours after immobilizing of a motor vehicle. Notice shall be sent by certified mail and regular mail to the address of the owner of the motor vehicle as indicated in the most current registration list of motor vehicles in this state.~~

~~(2) Out of state vehicles. If an out-of-state motor vehicle has been immobilized, written inquiry shall be made to the secretary of state of the relevant jurisdiction for the most current registered name and address of the owner of the motor vehicle, and notice shall be mailed said address, though in no case will the village be required to delay immobilization more than three days after the inquiry mailing date or be required to retain possession of an unclaimed motor vehicle more than 30 days after the inquiry mailing date before disposing of the motor vehicle.~~

~~(3) The notice in all cases shall specify that the vehicle has been immobilized the reason for the immobilization and that the owner is entitled to recovery of the vehicle or a hearing, as the case may be. The notice shall set forth the payment from the owner to satisfy outstanding parking and/or traffic violations tickets.~~

Sec. 14-195.02. Removal of locking device. Claiming vehicles after tow and impoundment for unpaid parking tickets.

(a) Before the owner shall be permitted to have the locking device removed claim the vehicle and have the vehicle released and returned from the impound lot, the owner shall furnish to the police department evidence of his or her identity and ownership of the vehicle and right of possession thereto; shall pay the costs of removing the locking device towing and storing the impounded vehicle; and shall satisfy all unpaid parking and traffic citations for which the motor vehicle was immobilized towed and impounded and present proof of such satisfaction.

(b) Alternatively, the owner may post a \$150500.00 bond, in addition to satisfying and discharging all parking and traffic citations tickets for which the motor vehicle was immobilized towed and impounded and request a hearing be held on the next regularly scheduled hearing date.

- ~~(c) The locking device shall be removed upon either the payment of all costs and the satisfaction of all parking and traffic citations or upon the posting of the bond and the satisfaction of all parking and traffic citations.~~
- (d) The hearing shall be conducted in conformity with sections 14-195.04 through 14-195.06 and shall determine the validity of the immobilization towing and impoundment of the vehicle and any charges.

Sec. 14-195.03. - Notice of right to post-immobilization towing and impoundment hearing for unpaid parking tickets.

- (a) Vehicles registered in Illinois. The police department shall send a notice to the owner within twenty-four (24) hours after towing and impoundment of a motor vehicle. Said notice shall be sent by certified mail and regular mail to the address of the owner of the motor vehicle as indicated in the most current registration list of motor vehicles in this state.
- (b) Out of state vehicles. If an out-of-state motor vehicle has been towed and impounded, written inquiry shall be made to the secretary of state of the relevant jurisdiction for the most current registered name and address of the owner of the motor vehicle, and notice shall be mailed to said address, though in no case will the village be required to delay towing and impoundment more than three (3) days after the inquiry mailing date or be required to retain possession of an unclaimed motor vehicle more than thirty (30) days after the inquiry mailing date before disposing of the motor vehicle.
- (c) The notice in all cases shall specify that the vehicle has been towed and impounded, the reason that the vehicle has been towed and impounded, the location where the impounded vehicle is being stored, any and all fines and fees that may be charged for towing and storing the impounded vehicles, and that the owner is entitled to recovery of the vehicle or a hearing if so requested by the owner. The notice shall set forth the payment from the owner to satisfy outstanding and unpaid parking and/or traffic tickets, and shall include any and all fees and costs for towing and storing the impounded vehicle and a statement that all outstanding and unpaid parking and/or traffic tickets and fees and costs for towing and storing the impounded vehicle must be paid prior to the vehicle being released to the owner.
- (d) The notice shall substantially be in the following form:

ATTENTION: Owners or other persons lawfully entitled to possession of towed and impounded vehicles have the following options:

- (1) You may pay the cost for removing the locking device claiming your vehicle from the Village of Stickney, or its towing contractor, [insert the name of the towing contractor] and satisfy all unpaid parking and traffic citations tickets for which your motor vehicle was immobilized towed and impounded at the village police department; or
- (2) You may request a hearing for the next regularly scheduled hearing date, satisfying all parking and traffic citations tickets for which your motor vehicle was immobilized towed and impounded and satisfy any and all fees and costs incurred related to the towing and storage of the impounded vehicle, and post a \$1500.00 bond, for the locking device processing fee. At the hearing, you may assert any defenses against the relevant citations.

In the event that these citations are dismissed, you will receive a refund of the immobilization appearance bond and for any citations for which you are found not liable. You should appear to request the hearing at the village police department or call 708-788-2131.

- (3) ~~If your vehicle remains immobilized for 72 hours or more, your vehicle may be towed. A failure to request a hearing within thirty (30) days of this notice may result in the Village disposing of the vehicle in any manner authorized by law.~~

Sec. 14-195.04. - Request for post-immobilization towing and impoundment hearing for unpaid parking tickets.

Request for a post-immobilization towing and impoundment hearing may be made by telephone, in person or by mail within fifteen (15) days of the mailing date of notification of the immobilization towing and impoundment or release of the vehicle, whichever occurs first. Requests are to be made to the police department.

- (b) ~~Notwithstanding the foregoing, any vehicle which has been immobilized for 72 hours or more may be towed as a derelict vehicle, subject to the procedures set forth in this division.~~

Sec. 14-195.05. - Procedures for post-immobilization towing and impoundment hearing for unpaid parking tickets.

Personnel designated by the ~~chief of police~~ Police Chief shall, upon receipt of a hearing request pursuant to this division, fully and accurately complete a request for an immobilization towing and impoundment hearing form and forward copies of those records to the village hearing officer to conduct the hearing. These records include, but are not limited to, a motor vehicle inventory report, any cash receipts for towing and immobilization impoundment storage fees, towing and other case reports, as well as registration information. Upon completion of a request for an immobilization a post towing and impoundment hearing report and the attachment thereto of required records, personnel receiving and processing the request shall forward it to the hearing officer.

Sec. 14-195.06. - Processing fee for immobilization device Fees for vehicle towing and storage.

~~The processing fee for the removal of a locking device on a vehicle shall be \$150.00.~~

The fees for vehicle towing and storage shall be determined by the towing service contracted by the Village. In the event that a specialized towing vehicle is required to tow any vehicle, including commercial vehicles, the vehicle owner shall bear any and all costs associated with towing said vehicle. Daily storage fees shall be set by and payable to the towing service.

Sec. 14-195.07. - Unregistered or unlicensed motor vehicles.

Notwithstanding anything to the contrary in this division, when a motor vehicle is subject to immobilization towing and impoundment for unpaid parking tickets as provided for in under this division and the vehicle has no vehicle license or registration, a sticker stating "notice of intent to tow and impound or immobilize" shall be affixed to the vehicle windshield. If the owner or person entitled to possession of the vehicle has not contacted the village within twenty-four (24) hours thereafter, the motor vehicle shall be subject to immediate tow and impoundment.

~~Sec. 14-195.08. – Towing of immobilized vehicles.~~

~~Any vehicle which remains immobilized for a period of 72 hours or more is hereby declared to be a derelict vehicle and may be towed in accordance with the procedures set forth in this division.~~

Sec. 14-195.098. - No immobilization towing and impoundment by parties other than the village or its agents.

Only the village and its agents may ~~immobilization~~ tow and impound motor vehicles within the corporate limits of the village. Private landowners ~~may not immobilize motor vehicles parked on their property, or in parking lots or spaces adjoining their property, by placing a locking device on the wheels of a vehicle.~~ However, may tow vehicles parked in violation of a posted notice provided that the notice on their private property provided that ~~if a private landowner has posted that parking is reserved for residents of a particular building or to those visiting a particular building and that violators will be towed, the private landowner can tow motor vehicles that are parked in violation of the posted warning.~~

Sec. 14-196. – Other Conduct prohibited.

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 \$750.00, plus any applicable towing and storage fees.:

- (a) 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)).
- (b) 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.
- (c) Driving without a valid driver's license pursuant to Illinois Compiled Statutes (625 ILCS 5/6-101).
- (d) Arrest for any felony offense pursuant to the Illinois Compiled Statutes (720 ILCS).
- (e) The operation of any motor vehicle with open alcohol in violation of 625 ILCS 5/11-502.
- (f) 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.
- (g) An accident involved motor vehicle.
- (h) A hazardous vehicle.
- (i) A derelict motor vehicle, including any vehicle which has been immobilized for 72 hours or more pursuant to section 14-195.10.
- (j) 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.
- (k) Any motor vehicle that is illegally parked in a tow away zone.
- (l) Any motor vehicle that is inoperable due to the arrest of the owner or operator.
- (m) ~~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.~~

Sec. 14-197. - Seizure and impoundment.

- (a) Whenever a police officer has a reason to believe that a vehicle is subject to seizure and/or impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility approved by the ~~chief of police~~ Police Chief. This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within twelve (12) hours after the theft was discovered or reasonably should have been discovered.
- (b) The police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of seizure or impoundment and of the vehicle owner's rights and options under this division to reclaim his vehicle, including his right to demand a hearing.

Sec. 14-198. - Post-towing options for vehicle's legal owner.

- (a) The owner of a vehicle seized and/or impounded by the village has the following options:
 - (1) Pay the \$500.00 fee bond set forth in section 14-196 14-195.03 and payment of all unpaid parking and traffic tickets at the Stickney Police Department and obtain a release form to claim ~~your~~ his or her vehicle from the towing company. Payment of all unpaid towing and storage fees must also be made.
 - (2) ~~Post a~~ After the \$500.00 bond is posted and after all unpaid parking and traffic tickets have been paid as well as any towing and storage costs, and you the owner will receive an adjudication date for the next regularly scheduled village adjudication and a release form to claim ~~you're~~ his or her vehicle from the towing company; ~~your~~ the adjudication date will occur within thirty (30) days of the date of the payment of ~~your~~ the bond, all unpaid tickets, and towing and storage fees. The \$500.00 bond will be refunded if ~~you~~ the owner is ~~are~~ found not liable by the hearing officer. Failure to appear for a requested hearing may result in a judgment against ~~you~~ the owner.
- (b) If ~~you~~ the owner elects to receive an adjudication date, the hearing officer shall render a decision, based upon a preponderance of the evidence, at the hearing.
 - (1) A finding that a vehicle was used in violation of this division shall result in the issuance of an administrative fine of \$500.00.
 - (2) A finding that a vehicle was not used in violation of this division shall result in the refunding of the \$500.00 bond.
- (c) The failure of the owner of record to appear at the hearing or to request a continuance in a timely manner shall be deemed to a waiver of the right to a hearing and a default order in favor of the village shall be entered.
- (d) If the owner of record chooses to pay the fine at the Stickney Police Department and immediately reclaim his vehicle, the owner waives the right to a hearing and accepts an order of liability to the village. In the event of such waiver, the owner of record shall pay the appropriate administrative fine as well as any unpaid parking and traffic tickets and any towing and storage fees. Such payment shall constitute an admission of liability and a waiver of a right to a hearing and will entitled to the owner to immediately reclaim his or her vehicle.
- (e) If the owner of record does not appear at the Stickney Police Department to claim his or her vehicle or pay the bond provided for in this section within ten (10) days of the towing, the Stickney Police Department will mail a notice to the owner of record providing the date, time, and location of an adjudication hearing on the purported violation of section 14-195.03.
- (f) An administrative penalty, plus towing and storage fees, imposed pursuant to this division shall constitute a debt due and owing to the village, which may be enforced

in any manner provided by law. Any cash bond posted pursuant to this section shall be applied to the penalty.

Sec. 14-199. - Disposition of impounded vehicle.

- (a) *In general.* Except as provided otherwise in this division, a vehicle shall continue to be impounded until the administrative penalty, or the cash bond is paid to the village. Upon payment of all fines, unpaid tickets, and towing and storage fees, or a cash bond to the village, and payment of all fees and storage and unpaid tickets to the towing company, possession of the vehicle shall be granted to the party legally entitled to possess the vehicle.
- (b) *Fines and bond.* A vehicle impounded pursuant to this section shall remain impounded until:
- (1) ~~The penalty of \$500.00 in addition to~~ Payment in full of any and all outstanding parking and/or traffic citations for which the owner or operator has been found liable is paid to the village and all applicable towing and storage fees are paid to the towing agent service; or
 - (2) A bond in the amount of \$500.00 is posted with the police department and all applicable towing and storage fees are paid to the towing agent. Notwithstanding the foregoing, the vehicle shall not be released until the owner/operator has satisfied any and all outstanding parking and/or traffic citations for which the owner/operator has already been found liable; or
 - (3) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned; or
 - (4) The vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.
- (c) *Time limits.* Any vehicle not reclaimed within thirty (30) days following the expiration of the time during which the owner of record may seek judicial review of the village's action or within thirty (30) days following a final judgment in favor of the village may be disposed of as an unclaimed vehicle as provided by law.

Sec. 14-200. - Posting of bond.

~~If a bond is posted in accordance with section 14-198 as provided for in this division, the owner of the vehicle shall remain liable to the towing agent for any applicable towing fees and storage costs and payment of all unpaid parking and traffic citations. If a \$500.00 penalty is imposed for a violation of section 14-196, the \$500.00 bond will be forfeited to the village. If, however, the hearing officer does not find a violation of this division, the \$500.00 bond will be returned to the appropriate party as well as any fines paid for any tickets for parking or traffic violations.~~ All bond money posted pursuant to this section shall be held by the village until the decision of the hearing officer issues, or if there is a judicial review, until the court issues a decision.

Sec. 14-201. - Vehicle possession.

Any motor vehicle that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the village's action under this section, or the time at which a final judgment is rendered in favor of the village against an owner of record who is in default, may be disposed of as an unclaimed vehicle as provided by law, provided, however, that where proceedings have been instituted under state or federal or asset forfeiture laws, the subject vehicle may not be disposed of by the village except as consistent with those proceedings.

Sec. 14-202. - Vehicle in foreclosure.

Whenever a person or entity with a lien of record against a vehicle impounded under this ~~section~~ division has commenced foreclosure proceedings, possession of the vehicle shall be given to that person or entity upon execution of a written agreement with the village to refund to the village the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties, and fees, and towing and storage costs imposed under this division.

Sec. 14-203. - Severability.

If any provision or part of this division shall be found unconstitutional or outside the corporate powers of the village, the remaining provisions are hereby declared to be severable and should any provision of this division 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 shall continue in full force and effect.

Sec. 14-204, 14-205. - Reserved.

SECTION 3.2. 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 7th day of November, 2018.

AYES: Trustees Hrejsa, Kopolnek, Milenkovic, Savopoulos and White

NAYS: none

ABSENT: Trustee Torres

ABSTENTION: none

APPROVED by me this 7th day of November, 2018.

Jeff Walik, President

ATTESTED AND FILED in my
office this 7th day of November, 2018.

Audrey McAdams, Village Clerk