

**ORDINANCE NO. 2021- 06**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING VEHICLE TOWING AND IMPOUNDMENT**

**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 governmental 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 Code of Ordinance of the Village of Stickney, Illinois (the "Village Code") currently sets forth certain regulations for the 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 further wish to streamline the Existing Regulations by combining certain provisions and eliminating duplicative and/or contradictory language; 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 various sections of Chapter 14 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 various sections of Chapter 14 of the Village Code to update, amend, and clarify the Village's Existing Regulations, to further streamline the Existing Regulation by combining certain provisions and eliminating duplicative and/or contradictory language 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 14-194, SECTION 14-195.01, SECTION 14-195.02, SECTION 14-195.04, SECTION 14-195.05, SECTION 14-195.06, SECTION 14-195.07, SECTION 14-195.08, SECTION 14-196, SECTION 14-197, SECTION 14-198, SECTION 14-200 AND SECTION 14-201 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0 AMENDMENT OF CHAPTER 14 SECTION 14-194

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-194 as follows:

**Sec. 14-194. - Possession of firearm in a motor vehicle** is stricken in its entirety with said stricken language being added to Chapter 14, Section 14-196, as amended herein.

SECTION 3.1 AMENDMENT OF CHAPTER 14 SECTION 14-195.01

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.01 as follows:

**Sec. 14-195.01. - Towing and impoundment of motor vehicles for unpaid parking tickets.**

That subsection (a) is hereby stricken in its entirety and the remainder of the section amended as follows:

~~(b a)) 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 written notices. Any vehicle that is subject to towing, other than a towing for which no prior notice is required in accordance with this chapter, shall have a tow notice applied thereto, and a pre-tow warning notice shall be sent to the registered owner and the lienholder, if applicable. Said notice shall advise the registered owner that he or she 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 calendar three (3) business 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 days after from receipt of the final notice, where receipt shall be presumed to have occurred after three business days of sending the notice, Such pre-tow warning notice shall include a description of the vehicle, the license plate and vehicle identification numbers (VIN), if available and legible, and notice that a hearing as to the propriety of the towing will be granted, if requested. If, after ten (10) calendar days, there has been no response to the pre-tow warning notice, the tickets remain unpaid, and no hearing has been requested, the village may proceed with towing and impounding the vehicle at any time unless all unpaid tickets have been paid or a hearing has been requested as provided in this subsection . A post-tow notice shall be sent to the owner and the lienholder, if applicable, no more than five (5) business days after the vehicle is towed, and shall include a copy of the village tow order. This notice shall also include the opportunity to request a post-tow hearing. If a hearing is requested after a vehicle is towed, it will be granted in accordance with the post-tow hearing procedures set forth in this division. All notices shall be sent by the Village and served by certified or registered mail, return receipt requested, to the address of the registered owner and lienholder, if applicable, of the vehicle as recorded with the secretary of state of Illinois. If the vehicle is registered in a state other than Illinois, the village police department shall send appropriate notice in accordance with~~

this division to the address of the registered owner and lienholder, if applicable, as recorded in such other state registry of motor vehicles.

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

**SECTION 3.2 AMENDMENT OF CHAPTER 14, SECTION 14-195.02.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.02 as follows:

**Sec. 14-195.02. - Claiming vehicles after tow and impoundment for unpaid parking tickets.**

(a) Before the owner shall be permitted to 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 towing and storing the impounded vehicle; and shall satisfy all unpaid parking and traffic citations for which the motor vehicle was towed and impounded and present proof of such satisfaction.

(b) Alternatively, the owner may post a ~~\$500.00~~ \$750.00 bond, in addition to satisfying and discharging all parking and traffic tickets for which the motor vehicle was towed and impounded, and request a hearing be held on the next regularly scheduled hearing date. Requests for a post-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 towing and impoundment or release of the vehicle, whichever occurs first. Requests are to be made to the Village of Stickney police department.

(c) The hearing shall be conducted in conformity with sections ~~14-195.04 through 14-195.06~~ and shall determine the validity of the towing and impoundment of the vehicle and any charges.

**SECTION 3.3 AMENDMENT OF CHAPTER 14, SECTION 14-195.04.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.04 as follows:

**Sec. 14-195.04. - Request for post-towing and impoundment hearing for unpaid parking tickets** is stricken in its entirety with such language being added to Chapter 14, Section 14-195.02.

**SECTION 3.4 AMENDMENT OF CHAPTER 14, SECTION 14-195.05.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.05 as follows:

**Sec. ~~14-195.05~~ 14-195.04. - Procedures for post-towing and impoundment hearing for unpaid parking tickets.**

Personnel designated by the police chief shall, upon receipt of a hearing request pursuant to this division, fully and accurately complete a request for ~~an~~ a 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 impoundment storage fees, towing and other case reports, as well as registration information. Upon completion of a request for 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.

**SECTION 3.5 AMENDMENT OF CHAPTER 14, SECTION 14-195.06.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.06 as follows:

**~~Sec. 14-195.06~~ 14-195.05. - Fees for vehicle towing and storage.**

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.

**SECTION 3.6 AMENDMENT OF CHAPTER 14, SECTION 14-195.07.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.07 as follows

**Sec. 14-195.07. - Unregistered or unlicensed motor vehicles** is stricken in its entirety as this language is duplicative of language in Chapter 14, Section 14-195.01.

**SECTION 3.7 AMENDMENT OF CHAPTER 14, SECTION 14-195.08.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.08 as follows

**~~Sec. 14-195.08~~ 14-195.06. - No towing and impoundment by parties other than the village or its agents.**

Only the village and its agents may tow and impound motor vehicles within the corporate limits of the village. Private landowners may tow vehicles parked in violation of a posted notice provided that the notice on their private property provided that parking is reserved for residents of a particular building or to those visiting a particular building and that violators will be towed.

**SECTION 3.8 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:

**Sec. 14-196. - Other 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 \$750.00, plus any applicable towing and storage 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) A vehicle parked in violation of section 14-141.
  - (14) A tow away zone obstruction vehicle.
  - (15) An improperly stored motor vehicle or other equipment on a private lot.
  - (16) Any motor vehicle that contains an unregistered firearm or a firearm that is not broken down in a non-functioning state. Except that (a) if the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle or (b) if the owner proves that the presence of the firearm was permissible pursuant to the provisions of this Code.
- (b) Whenever a police officer has a reason to believe that a vehicle is subject to seizure and/or impoundment pursuant to this division, the police officer shall provide for the towing of the vehicle to a facility approved by the 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 12 hours after the theft was discovered or reasonably should have been discovered.
- (c) 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.

- (d) Whenever a vehicle is blocking a right of way or is causing an obstruction to the completion of scheduled work or maintenance, such as tree trimming, street maintenance or replacement, sewer or water maintenance or replacement, the Village and its police officers may tow or impound the vehicle where advance notice of the work has been given and sufficient signage has been posted. However, the Village and its police officers reserve the right to relocate the vehicle. Information related to where the vehicles has been relocated to shall be available through the police department. The Village reserves the right to charge the vehicle owner or operator the costs related to relocating the vehicle.

**SECTION 3.9. AMENDMENT OF CHAPTER 14, SECTION 14-197.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-197 as follows:

**Sec. 14-197. - Seizure and impoundment** has been stricken in its entirety and such language has been added to Chapter 14, Section 14-196.

**SECTION 3.10. AMENDMENT OF CHAPTER 14, SECTION 14-198.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-198 as follows:

**Sec. ~~14-198~~ 14-197. - 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~~ 750.00 bond set forth in section 14-195.02 and payment of all unpaid parking and traffic tickets at the village police department and obtain a release form to claim his or her vehicle from the towing company. Payment of all unpaid towing and storage fees must also be made. If a bond is posted 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 all bond money posted 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.

(2) After the ~~\$500.00~~ 750.00 bond is posted and after all unpaid parking and traffic tickets have been paid as well as any towing and storage costs, the owner will receive an adjudication date for the next regularly scheduled village adjudication and a release form to claim his or her vehicle from the towing company; the adjudication date will occur within 30 days of the date of the payment of the bond, all unpaid tickets, and towing and storage fees. The ~~\$500.00~~ 750.00 bond will be refunded if the owner is found not liable by the hearing officer. Failure to appear for a requested hearing may result in a judgment against the owner.

- (b) If 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. Said findings shall include:

(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~~ 750.00.

(2) A finding that a vehicle was not used in violation of this division shall result in the refunding of the ~~\$500.00~~ 750.00 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 village 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 entitle the owner to immediately reclaim his or her vehicle.
- (e) If the owner of record does not appear at the village police department to claim his or her vehicle or pay the bond provided for in this section within ten (10) calendar days of the towing, the village 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~~ this Division 9.
- (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.

**SECTION 3.11. AMENDMENT OF CHAPTER 14, SECTION 14-198.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-198 as follows:

**Sec. ~~14-199~~ 14-198. - 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) 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 service; or
  - (2) A bond in the amount of ~~\$500.00~~ 750.00 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 vehicles; 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 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 30 days following a final judgment in favor of the village 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.

**SECTION 3.12. AMENDMENT OF CHAPTER 14, SECTION 14-200.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-200 as follows:

**Sec. 14-200. - Posting of bond** is stricken in its entirety with such language being added to Chapter 14, Section 14-197.

**SECTION 3.13. AMENDMENT OF CHAPTER 14, SECTION 14-201.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-201 as follows:

**Sec. 14-201. - Vehicle possession** is stricken in its entirety as such language is duplicative of language in Chapter 14, Section 14-198.

**SECTION 3.14. 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 20<sup>th</sup> day of April, 2021.

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

NAYS: None

ABSENT: Npne

ABSTENTION: None

APPROVED by me this 20<sup>th</sup> day of April, 2021.

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Jeff Walik, President

ATTESTED AND FILED in my  
office this 21<sup>st</sup> day of April, 2021.

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Audrey McAdams, Village Clerk