

**ORDINANCE NO. 2021- 27**

**AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-141, SECTION 14-147, SECTION 14-148 AND SECTION 14-163 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 Code of Ordinance of the Village of Stickney, Illinois (the "Village Code") currently sets forth certain regulations for the towing and relocation of vehicles related to violations of snow removal and street cleaning regulations (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 vehicles parked in the public way in violation of the Village's street cleaning and snow removal regulations cause a public nuisance and a public safety hazard by preventing the Village from cleaning the streets of litter and debris and clearing snow to allow vehicular traffic, including emergency vehicles, to safely travel the Village's streets; 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, Section 14-147, Section 14-148 and Section 14-163 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, Section 14-147, Section 14-148 and Section 14-163 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, SECTION 14-147, Section 14-148 AND SECTION 14-163 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 any 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 blocks snow plows or other vehicles trying to maintain a clear path for emergency vehicles;~~ obstructs street cleaning and leaf removal vehicles and services; or any other illegally parked vehicle which is parked in any public street or any other public place.
  
- (b) ~~Cars~~ Vehicles ~~se~~ shall ~~be towed pursuant to this Section may be removed and towed by either members of the police department or by a commercial towing service. The owners of vehicles towed by a commercial towing service shall be responsible to pay a five dollar (\$5) administrative fee in addition to any and all storage costs and fees charged by the commercial towing service and any costs, judgments or bonds required by Section 14-163. In some cases, the towed vehicle may~~ away ~~shall~~ be stored on village property or in a public garage or parking lot. The Village shall give notice to the registered owner of the vehicles that the vehicle was towed or relocated within three (3) business days of the relocation, removal, or tow.

**SECTION 3.1 AMENDMENT OF CHAPTER 14, SECTION 14-147.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-147 by striking out any language to be removed or repealed and underlining any new language as follows:

**Sec. 14-147. – Parking After Snowfalls.**

(a) It shall be unlawful to park any vehicle when snowfall is over two inches as follows:

(1) On odd-numbered days from 8:00 a.m. to 11:00 p.m.

a. On the south side of all streets and public thoroughfares extending in a generally easterly and westerly direction, except for Pershing Road;

b. On the east side of all streets and public thoroughfares extending in a generally northerly and southerly direction, except Harlem Avenue.

(2) On even-numbered days from 8:00 a.m. to 11:00 p.m.

a. On the north side of all streets and public thoroughfares extending in a generally easterly and westerly direction, except for Pershing Road.

b. On the west side of all streets and public thoroughfares extending in a generally northerly and southerly direction, except for Harlem Avenue.

(b) It shall be unlawful to park any vehicle when snowfall is over six inches as follows:

(1) On Pershing Road between the hours of 12:00 a.m. to 5:00 a.m. pending removal.

a. One the south side of the street between Clinton and Ridgeland Avenue.

(c) When snowfall measures two inches or more, the snow removal regulations supersede the street sweeping regulations.

(d) ~~Vehicles parked in violation of this that fail to move their vehicles in the locations described in this section may be have their vehicles towed or relocated by the Village or removed and towed away by a commercial towing service. its agent to a municipal parking lot, public parking lot, or public street.~~ The Village shall give notice to the registered owner of the vehicles that the vehicle was towed or relocated within three (3) business days of the relocation, removal, or tow. Said notice shall be ~~by~~ served by registered or certified mail, or personal delivery. ~~Vehicles in violation of this Section that are on their third violation shall have their vehicle towed and shall no longer be eligible for vehicle relocation as it relates to towing.~~ The registered owner of any towed vehicle shall be responsible for payment of an administrative cost of five dollars (\$5) in addition to any and all storage costs and fees charged by the commercial towing service and any costs, judgments or bonds required by Section 14-163 ~~two hundred dollars (\$200.00).~~

### **SECTION 3.2 AMENDMENT OF SECTION 14-148.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-148 by underlining any new language as follows:

#### **Sec. 14-148. Parking during street cleaning operations.**

(a) It shall be unlawful to park any vehicle on any public street or portion thereof in the village at any time from April 1 to November 30, when such streets are being cleaned as follows:

(1) On Mondays between 8:00 a.m. and 5:00 p.m.

a. On the north side of all streets and public through fares extending in a general easterly and westerly direction; and

b. On the west side of all streets and public through fares extending in a generally northerly and southerly direction.

(2) On Tuesdays between 8:00 a.m. and 5:00 p.m.

a. On the south side of all streets and public through fares extending in a generally easterly and westerly direction; and

b. On the east side of all street and public through fares extending in a generally northerly and southerly direction.

- (3) Monday—Friday between 8:00 a.m. and 11:30 a.m.
  - a. On all streets and public through fares in the 4100 and 4200 blocks of East Ave; and
  - b. On all streets and public through fares in the 7000 and 7100 blocks of 40th Place.

(b) It shall be unlawful to park any vehicle on Pershing Road or portion thereof in the village at any time from April 1, through November 30 when Pershing Road is being cleaned as follows:

- (1) On Tuesdays between 5:00 a.m. and 7:00 a.m.

(c) When snowfall measures two inches or more, the snow removal regulations will supersede the street sweeping regulations.

(d) Vehicles parked in violation of this section may be towed or relocated by the Village or removed and towed away by a commercial towing service. The Village shall give notice to the registered owner of the vehicles that the vehicle was towed or relocated within three (3) business days of the relocation, removal, or tow. Said notice shall be served by registered or certified mail, or personal delivery. The registered owner of any towed vehicle shall be responsible for payment of an administrative cost of five dollars (\$5) in addition to any and all storage costs and fees charged by the commercial towing service and any costs, judgments or bonds required by Section 14-163.

### **SECTION 3.3. AMENDMENT OF CHAPTER 14, SECTION 14-163**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-163 by striking out any language to be removed or repealed and underlining any new language as follows:

#### **Sec. 14-163. Violations and penalties.**

(a) Any person receiving an initial notice of violation of an ordinance of the village prohibiting the parking of vehicles in a designated area or restricting the length of time such vehicles may be parked there or otherwise violating this chapter 14, article III, division 7, may settle and pay the claim against him or her for a such illegal parking by paying to the village the sum of \$75.00 on or before the date payment is due as provided in such notice. The minimum fine for violating chapter 14, article III shall be \$75.00 and the maximum fine shall be \$750.00. Said fine is in addition to any other fees and penalties in the Village Code of Ordinances, including but not limited to impoundment fees, relocation fees, administrative fees, and other fees provided for by law.

(b) In the event that the person to whom said ticket is issued fails to pay said violation within the time specified in the ticket, said person shall appear and defend such violation at the date set forth on said notice at the village adjudication hearing.

(c) In the event payment is not made nor an appearance made by the person issued said violation, the hearing officer shall determine and establish a fine to be paid, but not to exceed the sum of \$750.00 for any one violation.

~~(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.~~~~

(d) The registered owner of any vehicle that is towed by a commercial towing service pursuant to Sections 14-141, 14-147, and 14-148, and has been issued a citation for violations of same, shall be required to deposit a \$75 bond with the Village before their vehicle may be released from the commercial towing service. Proof of payment of such bond shall be required. The bond may be used to either pay the citation and enter a plea of guilty or if the registered owner wishes to contest the ticket, the \$75 fee shall be used towards the payments of fines and court costs, if any. If, after a hearing by the Village adjudicator, no fines or court costs are assessed against the registered owner, then the \$75 bond shall be returned to the registered owner.

(e) Appeal from any judgment entered by the administrative hearing officer shall be in accordance with the applicable ordinances of the Village of Stickney and the Illinois Compiled Statutes.

**SECTION 3.4. 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 21<sup>st</sup> day of December, 2021.

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

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 21<sup>st</sup> day of December, 2021.

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Jeff Walik, President

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

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Audrey McAdams, Village Clerk