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AN ORDINANCE AMENDING TITLE 9, CHAPTER 15, OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE IDENTIFICATION OF VEHICLES THAT MAY BE IMMOBILIZED/TOWED AND IMPOUNDED

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-60-2 (2010), the President and Board of Trustees may define, prevent and abate nuisances; and

WHEREAS, the Village desires to provide for a clear and effective means of determining the identity of motor vehicles found to be located within the Village and which are to be immobilized or towed and impounded; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens and residents of the Village, as well as the motoring public, that motor vehicles found to be located within the Village and whose owners have been determined to be liable for multiple violations of vehicular standing, parking or compliance regulations or automated traffic laws, be immobilized or towed and impounded.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

That Title 9, Chapter 15, Section 9-15-11-1 is amended so as to read in its entirety as follows:

“9-15-11-1: MOTOR VEHICLES MAY BE IMMOBILIZED/TOWED AND IMPOUNDED:

Any motor vehicle whose registered owner has been determined to be liable for three (3) or more vehicular standing, parking, or compliance regulation or automated traffic law (also known as red light) violation(s), for which the fines or penalties assessed remain unpaid, may be immobilized or towed and impounded if:

A) The Traffic Compliance Administrator has determined that a person has been determined to be liable for three (3) or more vehicular standing, parking, compliance regulation or automated traffic law (also known as red light) violation(s), the fines or penalties for which remain unpaid.

B) A Pre-Towing Notice has been sent to the registered owner of the motor vehicle which contains, but shall not be limited to the following:

1) A final determination has been made of three (3) or more vehicular standing, parking, compliance regulation or automated traffic law (also known as red light) violation(s), the fines and penalties for which remain unpaid.

2) A listing of the violations for which the registered owner has been determined to be liable, which shall include for each violation:

a) The vehicular standing, parking, or compliance regulation or automated traffic law (also known as red light) violation notice number.

b) Date of issuance.

c) Total amount of fine(s) and penalty(s) assessed.

3) The motor vehicle(s) owned by the registered owner is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within fourteen (14) days of the date of the notice, and the vehicle is located within the geographical boundaries of the Municipality.

4) The registered owner may contest the validity of the notice by fully completing and signing the request for hearing portion of the notice and by filing the request for hearing with the Traffic Compliance Administrator within, but not later than, fourteen (14) days of the date of the notice. The request for hearing shall be deemed filed upon receipt by the Traffic Compliance Administrator.

C) If the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for hearing has been filed with the Traffic Compliance Administrator to contest the validity of the notice, then the motor vehicle(s) may be immobilized, towed and/or impounded.

D) Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the Traffic Compliance Administrator shall schedule an administrative hearing where the registered owner may contest the validity of said notice by disproving liability for the unpaid Final Determinations of parking, standing, or compliance or automated traffic law (also known as red light) violation liability listed on the Notice, on the next available hearing date, but in no case shall the hearing be scheduled later than sixty (60) days after the request for hearing is filed.

1) The Traffic Compliance Administrator shall send notice of the hearing date upon the registered owner.

2) Notice shall be sent by first class mail, postage prepaid to the address as is set forth on the request for hearing.

3) Service of the notice shall be complete on the date it is placed in the United States mail.”

SECTION 3

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.