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AN ORDINANCE AMENDING TITLE 9, CHAPTER 15, SUBSECTION 9-15-5-5(B)(3) AND SECTION 9-15-11 OF THE ORLAND PARK VILLAGE CODE: IMMOBILIZATION/TOWING & IMPOUNDMENT

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WHEREAS, the Village of Orland Park (the “Village”) is a home rule municipality organized under the laws of the State of Illinois; and

WHEREAS, Subsection 9-15-5-5(B)(3) and Section 9-15-11 of Title 9, Chapter 15, Section 11 of the Orland Park Village Code relate to immobilization, towing and impoundment of vehicles in the Village; and

WHEREAS, the Village finds that it is in the best interests of the Village to decrease the number of outstanding vehicular violations subjecting vehicles to immobilization or towing from five (5) to three (3), and to make other enhancements to the Village’s immobilization and towing ordinance.

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:

Title 9, Chapter 15, Section 5, Subsection 9-15-5-5(B)(3) of the Orland Park Village Code is hereby amended to provide as follows, with deletions struck through and additions underlined:

“A warning that the vehicle owned by the person and located within the Municipality may be impounded for failure to pay fines or penalties for ~~five (5)~~three (3) or more vehicular standing, parking, ~~or compliance~~ or automated traffic law (also known as red light) regulation violations.”

SECTION 2:

Title 9, Chapter 15, Section 9-15-11 of the Orland Park Village Code is hereby amended to provide as follows, with deletions struck through and additions underlined:

“9-15-11: IMMOBILIZATION/TOWING & IMPOUNDMENT:

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 ~~five (5)~~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~~be liable for ~~five (5)~~three (3) or more vehicular standing, parking, or

compliance regulation or automated traffic law (also known as red light) violation(s), the fines or penalties for which remain unpaid.

B) The person determined to be liable for ~~five (5)~~three (3) or more violations is the registered owner of a motor vehicle located within the Municipality's geographical boundaries.

C) A Pre-Towing Notice has been set to the registered owner of the motor vehicle located within the geographical boundaries of the Municipality which contains, but shall not be limited to the following:

1) A final determination has been made of ~~five (5)~~three (3) or more vehicular standing, parking, ~~or~~ 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 ~~person~~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 ~~person~~registered owner and located within the Municipality 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.

4) The registered owner may contest the validity of the notice by fully completing and signing the request for hearing portion of ~~one~~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.

D) ~~If the~~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.

E) 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 ~~to~~ 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 ~~serve~~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.

#### 9-15-11-2: RIGHT TO PROMPT HEARING:

The registered owner of a vehicle(s) immobilized or towed and impounded under this section, shall have the right to a prompt administrative hearing without the requirement of payment of outstanding fines and penalties for which final determination has been made.

A) The Traffic Compliance Administrator shall serve a post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:

- 1) Date of immobilization or towing and date of impoundment.
- 2) Location of vehicle.
- 3) That the vehicle was immobilized under this section of this Ordinance for non-payment of fines or penalties assessed for the violation of ~~five (5)~~three (3) or more violation(s) of vehicular standing, parking, or compliance or automated traffic law (also known as red light) regulation(s) for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.
- 4) Date of notice of impending immobilization or towing and impoundment.
- 5) That the registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the Traffic Compliance Administrator within, but not later than, fourteen (14) days of the date of the notice which shall be deemed filed upon receipt by the Traffic Compliance Administrator.
- 6) That if the vehicle is not claimed within 30 days from the date of the notice, the vehicle may be sold or otherwise disposed of in accordance with 625 ILCS 5/4-208, the Illinois Vehicle Code.

B) Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the Traffic Compliance Administrator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next available hearing date or if sooner scheduled by the Traffic Compliance Administrator for good cause shown, 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 serve 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.

C) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101 et. seq., incorporated herein by reference.

#### 9-15-11-3: RELEASE OF VEHICLE; MOVING VEHICLES:

A) A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his agent, upon payment of the fines and penalties due and owing the Municipality as specified in the notice sent in accordance with section 11-1(c) hereof and the payment of towing charges and accrued daily impound charges or upon order of the hearing officer following hearing contesting the validity of the impoundment.

B) It shall be unlawful to relocate or tow any vehicle restrained by an immobilization device without the approval of the Traffic Compliance Administrator or his or her designee. The registered owner of the immobilized vehicle and any person who relocates an immobilized vehicle in violation of this division shall each be subject to a penalty of \$750 for the violation.

#### 9-15-11-4: TOWING COMPANIES:

The Traffic Compliance Administrator shall appoint or retain the services of an individual agency or company to tow and impound vehicles in accordance herewith, provided:

A) The individual, agency or company if fully licensed according to local and state law.

B) The individual, agency or company is fully insured.

C) The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this Section a secured

area shall mean an area bounded by a fence, chain link or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.”

SECTION 3:

All other provisions of Title 9, Chapter 15, Subsection 9-15-5-5(B)(3) and Section 9-15-11 of the Orland Park Village Code not amended hereby, shall remain in full force and effect as if fully set forth herein.

SECTION 4:

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