



**FINANCE DEPARTMENT  
MUNICIPAL COLLECTOR'S DIVISION  
M E M O R A N D U M**

**TO:** Bruce K. Walden, Chief Administrative Officer  
**FROM:** Ronald Eldridge, Comptroller  
Chief Eddie Adair, Police Department  
**DATE:** February 6, 2002  
**RE:** Ordinance to Immobilize and Impound Vehicles With Unpaid Parking Fines

Brief Description of the Issue(s)

Parking Enforcement and the Municipal Collector's Office want to enhance the City's collection procedures against vehicle owners who have collected 5 or more unpaid parking fines, by authorizing the use of a vehicle immobilization device (commonly known as the boot) or through impoundment (towing) of the vehicle.

Identification of the Issue(s) and Any Approvals Required

Present collection procedures include mailed notices and letters, suspending the registered owner's driver's license and filing a complaint in circuit court. The combined use of these processes gives the City an overall collection rate for parking fines of approximately 90%. However, there is the offender who receives a substantial number of parking fines and the City is unable to collect the fines using our standard collection methods. This group of offenders collects approximately \$50,000/year that the City is not able to collect. Current collection procedures can be ineffective in the following situations:

1. We are unable to locate the violator's Illinois driver's license number.
2. The vehicle is registered out-of-state and we are unable to locate a valid name and address, in or out-of-state, for court action.
3. The violator's driver's license has been suspended but the person continues to drive and receive tickets.
4. The violator intentionally circumvents ticketing by displaying an invalid or no license plate and covers the vehicle identification number of the vehicle.

Immobilization or impoundment of the vehicle will initiate contact with the violator quickly. Presently, the City of Champaign and University of Illinois Campus Parking impound vehicles for unpaid parking fines. Urbana does not have the ability to impound vehicles. However, parking industry research shows that citizens find the immobilization of their vehicle less upsetting than impoundment. Instead of finding their vehicle missing and wondering what to do, with immobilization, the citizen's vehicle is where they left it and they can visually see the immobilizer and the informational sticker telling them how to obtain a release of the vehicle. Also, immobilization of the vehicle is less costly to the citizen than impoundment. Prior to either situation, citizens have had multiple opportunities to contest the validity of the citations, informally or at a hearing, and have been notified that their vehicle could be immobilized or impounded at any time

for outstanding parking fines. The ability to impound vehicles must be included where the vehicle owner does not respond in a set time period to the immobilization or in cases where the immobilizing device will not fit the wheel size of the vehicle.

#### Fiscal Impact

The purchase of four immobilization devices, two to accommodate cars and two for SUV's and trucks, along with stickers and miscellaneous supplies would cost approximately \$3000.00. Any time a vehicle is immobilized, the offender will be charged an "immobilization release fee" of \$35.00. If the vehicle is impounded, the offender pays the towing company a fee (presently \$75.00.)

No additional personnel will be required to run the immobilization/impoundment program. Parking Enforcement personnel will install the immobilizing devices during normal business hours. If the violator pays the fines during normal business hours, Parking Enforcement will remove the immobilizer. If the fines are paid after business hours, or on a weekend, a police officer would remove the immobilizer. If the vehicle was impounded, the towing company will release the vehicle upon proper notification from the City. The City could expect to cover all costs associated with the program and increase the percent of parking fines collected.

#### Recommendation

Staff recommends that the City Council approve the attached ordinance that will authorize the City to impound and immobilize vehicles that have 5 or more unpaid parking fines as outlined above. Staff also recommends approval of the attached intergovernmental agreement with the City of Champaign. Under this intergovernmental agreement, Urbana and Champaign would jointly maintain a list of vehicles that meet each city's criteria for immobilizing or impounding. If a vehicle listed is found parked, either city can immobilize or impound the vehicle and collect the outstanding fines for the other city.

ORDINANCE NO. 2002-02-013

AN ORDINANCE TO IMMOBILIZE AND IMPOUND VEHICLES WITH UNPAID  
PARKING FINES

WHEREAS, the City of Urbana estimates it is unable to collect fines from one in ten repeat parking violators, resulting in approximately \$30,000 per year in lost revenue from unpunished offenses;

WHEREAS, current collection procedures have proven ineffective against violators whose vehicle is registered out of state, whose driver's license number is unknown or suspended, and/or whose vehicle displays no license plate or fictitious plate numbers;

WHEREAS, immobilization of vehicles will require the violator to pay fines in a more timely fashion with minimum expense and delay for the City;

WHEREAS, impoundment, following proper notice and response time, will also reduce the opportunities for repeat violators to continue to violate parking ordinances, by immediately removing such vehicles from the street and by preventing their release until prior violations are addressed;

NOW THEREFORE, BE IT ORDAINED BY THE URBANA CITY COUNCIL THAT:

Sec. 23-219. Vehicle Immobilization.

a. Authorization. The City Police Department is hereby authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that has five (5) or more unpaid parking tickets issued to it.

1. A parking ticket is considered unpaid if the registered owner or lessee of the vehicle has not:

A. Paid the full amount of the fine within seventy-two (72) hours of the ticket's issuance, if no informal notice of dispute is filed with the city following the procedures in Subsection (c)(2); or

B. Paid the full amount of the fine within five (5) days of the city sending notice that the grounds for contesting the ticket were rejected; or

C. Successfully contested the citation through the petition procedure set forth in Sec. 23-212 of the Local Traffic Code.

2. When the registered owner or lessee has accumulated five (5) or more unpaid parking tickets on the vehicle, notice shall also be sent warning that the vehicle may now be

subject to immobilization. All such notices will be delivered by first class mail and shall be deemed served as of the date of deposit in the U.S. mail.

3. If the vehicle subject to immobilization cannot be fitted with device because of the vehicle's size or shape, then the City Police Department may instead impound the vehicle in accordance with the procedures for impoundment set forth in Article XX of the Local Traffic Code.

b. Notice of Procedures for Release of the Vehicle. When a vehicle is immobilized, a notice shall be affixed to the vehicle, advising the registered owner or lessee of the procedures and requirements to have the immobilization device removed. Such notice shall include:

1. A caution not to attempt to move the vehicle or remove the immobilization device without City authorization and assistance;

2. The date and time when the immobilization device was affixed to the vehicle;

3. The signature and identification number of the person who affixed the immobilization device to the vehicle;

4. The state registration number, if known, and make of the vehicle;

5. The number and amount of unpaid parking tickets and fines;

6. A statement that payment of the fines along with a removal charge will be required for removal of the device and final disposition of the matter;

7. A statement that the opportunity to contest the grounds for the immobilization is available, but must be written and filed with the municipal collector's office at 400 South Vine Street in Urbana, Illinois within seventy-two (72) hours of the time at which the immobilization device was affixed to the vehicle;

8. The contact name, telephone number, and daytime hours of the City office where payment of the fines can be made or information regarding the procedures for filing a protest can be obtained;

9. The contact name and telephone number of a City official responsible for providing after-hours assistance; and

10. A warning that if the vehicle remains immobilized for seventy-two (72) hours, it will be subject to impoundment.

c. Procedures Following Immobilization. The registered owner or lessee of an immobilized vehicle may pursue one of three courses of action, the outcome of any of which shall be considered a final determination of liability on the case:

1. Payment by the registered owner or lessee of the fines and removal charge at any time before impoundment of the vehicle; or

2. An informal notice of dispute filed with the municipal collector's office within seventy-two (72) hours of the immobilization. Informal notices of dispute under this section shall entail an affidavit, signed by the owner and made subject to the penalties of perjury, wherein the owner denies there are five (5) or more unchallenged, unpaid parking violations outstanding against the license plate on the vehicle at the time of the immobilization. The immobilization device shall remain affixed to the vehicle pending the outcome of the dispute and/or payment of the fines and removal charge. Informal notices of dispute shall be evaluated by the City parking administrator on the basis of the affidavit and established city policy; or

3. A request for a hearing on the immobilization by the city hearing administrator, which shall be conducted according to the procedures for challenges to parking violations set forth in Sec. 23-211(7) of the Local Traffic Code. The sole issue to be determined by the hearing officer at a hearing under this section will be whether there were five (5) or more unchallenged and unpaid parking violations issued to the registered owner of the vehicle at the time of the immobilization. The immobilization device shall remain affixed to the vehicle pending the outcome of the hearing and/or payment of the fines and removal charge.

d. Vehicle Impoundment. After an immobilized vehicle has been impounded under this section, a notice shall be sent to the registered owner or lessee within forty-eight (48) hours of the vehicle's removal. The procedures for the towing and disposition of an immobilized vehicle shall thereafter be the same as the procedures for the towing of other vehicles pursuant to police order, as set forth in Article XX of the Local Traffic Code.

e. Unauthorized Removal of Vehicle or Device Prohibited.

1. No person shall move or cause to be moved any vehicle that has an immobilization device attached thereto, except as authorized by a police officer or a City parking enforcement officer.

2. No person shall remove or cause to have removed from any vehicle an immobilization device placed thereon by a City parking enforcement officer or police officer.

3. Penalty. Any person who is found to have violated this section shall be fined a maximum amount of seven hundred and fifty dollars (\$750) for each offense.

The Urbana Local Traffic Code Fine Schedule is amended as follows:

### **Removal of Immobilization Device**

Article XVI, Section 23-219(c)

The attachment of an immobilization device to a vehicle for unpaid parking violations will subject the parking violator to a charge of \$35 for its removal.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

AYES:

NAYS:

PRESENT:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Tod Satterthwaite, Mayor

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

**I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled “AN ORDINANCE TO IMMOBILIZE AND IMPOUND VEHICLES WITH UNPAID PARKING FINES”, which provided by its terms that it should be published in pamphlet form.**

The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
CITY CLERK

AN AGREEMENT WITH THE CITY OF CHAMPAIGN TO COOPERATIVELY  
ENFORCE VEHICLE IMMOBILIZATION DECREES

WHEREAS, the City of Urbana and the City of Champaign, in accordance with and pursuant to Article VII, Sec. 10 of the Illinois Constitution of 1970, have the authority to enter into intergovernmental agreements “to obtain or share services and to exercise, combine or transfer any or function, in any manner not prohibited by law or by ordinance”;

WHEREAS, the City of Urbana and the City of Champaign, under the Intergovernmental Cooperation Act at 5 ILCS 220/3, may exercise, combine, transfer and enjoy jointly “any power or powers, privileges, functions, or authority” which each municipality possesses separately;

WHEREAS, the City of Urbana and the City of Champaign, as adjoining municipalities within the same county, are organized under 65 ILCS 5/7-4-8 of the Illinois Municipal Code into a single police district, with each police force having “full authority and power as peace officers” to “go into any part of the district to exercise that authority and power”;

WHEREAS, the City of Urbana and the City of Champaign, having enacted ordinances authorizing the use of vehicle immobilization against parking violators with multiple, unpaid citations, recognize that effective implementation of the law will require the police departments of both cities to grant enforcement authority to one another.

NOW THEREFORE, the City of Urbana and the City of Champaign hereby agree as follows:

**Article I**

**Definitions**

For purposes of this Agreement, unless the context clearly requires otherwise, words and terms used in this Agreement will have the meaning provided from place to place herein, including as follows:

**“Vehicle immobilizer”** means a device that may be clamped and locked onto a part of a motor vehicle, usually a tire, for the purpose of immobilizing the vehicle. Such device is also commonly referred to as a “boot.”

**“Parties”** mean, collectively, the City of Urbana and the City of Champaign.

**“District”** means the territory embraced within the corporate limits of Urbana and Champaign, as adjoining municipalities within Champaign County.



## Article II

### **Covenants and Agreements**

**List of Eligible Vehicles.** The City of Urbana and the City of Champaign shall each maintain and periodically update a list of vehicles eligible for immobilization in the District. Eligibility for inclusion on the District list shall be determined separately by the Cities, but the qualifying number of unpaid tickets shall not be fewer than the minimum required for immobilization under the vehicle immobilization ordinances of their respective City Codes. The District list will include the name and last known address of the registered owner or lessee of the vehicle, the state registration number of the vehicle, the make, model and color of the vehicle, and the number and amount of unpaid parking tickets and fines.

**Authorization to Immobilize.** Authority to immobilize a vehicle for failure to pay parking fines is granted to the City of Urbana Police Department and any officer or agent of the City of Urbana designated responsibilities under its vehicle immobilization ordinance, and to the City of Champaign Police Department and any officer or agent of the City of Champaign designated responsibilities under its vehicle immobilization ordinance, provided such authority is exercised only over vehicles included on the District list.

**Requirements of Notice on Vehicle.** At the time of immobilization, the officers of either City shall affix a notice to the vehicle, advising the registered owner or lessee of the procedures and requirements to have the immobilization device removed. Such notice shall include:

1. A caution not to attempt to move the vehicle or remove the immobilization device without City authorization and assistance;
2. The date and time when the immobilization device was affixed to the vehicle;
3. The signature and identification number of the person who affixed the immobilization device to the vehicle;
4. The number and amount of unpaid parking tickets and fines;
5. A statement that payment of the fines along with a removal charge will be required for removal of the device and final disposition of the matter;
6. The contact name, telephone number, and daytime hours of the City office from which the unpaid parking tickets were issued and where payment of the outstanding amounts can be made or information regarding the procedures for filing a protest can be obtained, and an alternate contact

name and telephone number of a City official responsible for providing after-hours assistance; and

7. A warning that if the vehicle remains immobilized for seventy-two (72) hours, it will be subject to impoundment.

**Requirements of Notice to City.** If the officials of either party have immobilized a vehicle on the District list with unpaid parking fines originating in the other City, then said officials will inform their counterparts of such action within twenty-four (24) hours of the immobilization.

**Removal of Device.** A vehicle immobilization device shall be removed from a vehicle only upon payment of the appropriate fines for all unpaid parking tickets or upon final determination by a court or a designated City authority that absolves the registered owner or lessee of responsibility for the fines. In addition to those fines, a removal charge may be assessed after the outstanding parking tickets have been paid to the City that issued them. The City that affixed the immobilization device to the vehicle may assess a removal charge at or before the time at which the immobilization device is detached from the vehicle.

**Indemnification.** The City of Urbana and the City of Champaign agree to indemnify and save harmless each party to this agreement and its employees and officials from and against any and all claims, demands, actions, suits and proceedings brought by others resulting from any future respective violations of this agreement. Such indemnification extends to situations arising from actions taken or founded upon that party's negligence or other tortious conduct, including but not limited to any liability for any loss, cost, expense or damages by reason of any claim, in the exercise of this agreement. Each City will in no event be held responsible for the acts or omissions of the other City or its employees.

**Impoundment.** Impoundment will be conducted in accordance with the procedures and notice requirements of the City in which the immobilization occurred, provided the impoundment shall not be initiated fewer than seventy-two (72) hours from the time when the immobilization device was affixed to the vehicle. However, if the vehicle is of a size and type that cannot accommodate the immobilization device, it may be subject to immediate impoundment.

**Collection of fine.** The amount of any fines for parking tickets issued by either party shall be paid to and collected by the appropriate City officials. The amount of any removal charges shall be paid to and retained by the party that affixed the immobilization device.

### **Article III**

#### **Defaults, Rights to Cure and Miscellaneous Provisions**

**Defaults—Rights to Cure.** Failure or delays by either party to timely perform any term or provision of this Agreement will constitute a default under this Agreement. The party who so fails or delays must, upon receipt of written notice of the existence of such default, immediately commence to cure, correct or remedy such default and thereafter proceed with diligence to cure such default.

**Term.** This Agreement will remain in full force and effect until said Agreement is mutually amended or terminated.

IN WITNESS WHEREOF, the City of Urbana and the City of Champaign have caused this Agreement to be executed by their duly authorized officers as of the date set forth above. This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

AYES:

NAYS:

PRESENT:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Tod Satterthwaite, Mayor