



**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  
**DATE:** September 9, 2002  
**RE:** Ordinance to Immobilize and Impound Vehicles With Unpaid Parking Fines

Brief Description of the Issue(s)

In February 2002 Council reviewed a proposal to immobilize (boot) and impound (tow) vehicles with unpaid parking fines. The City of Champaign was also considering an immobilization and driver's license suspension program (they already tow.) At that time Council decided to table the issue until such time the City of Champaign approved a booting ordinance. On August 6, 2002 the City of Champaign Council passed an ordinance to implement a booting/driver's license suspension program.

Identification of the Issue(s) and Any Approvals Required

Under current collection processes the City's average collection rate is slightly above 90%. However, there is a group of offenders with a substantial number of outstanding fines that escapes our collection methods. 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 would provide an effective method for collection of fines in the above situations. Prior to either situation happening, the citizen will have had multiple opportunities to contest the validity of the citations, informally or at a hearing, and will have had prior notification that their vehicle could be immobilized or impounded for outstanding parking fines. The boot is less obtrusive and less costly for the citizen than towing. The ability to impound vehicles is necessary, however, when 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.

Use of the boot or towing would not be implemented unless our current collection methods failed as described above. Vehicle owners will have a minimum of 10 outstanding parking violations that are at least 30 days old. They will also have had multiple notices and opportunities to contest the violations.

Council also requested information concerning persons owing large fine amounts. Attached is a list of violators with the highest dollar amount or number of tickets outstanding in the City of Urbana. Included on the list is the collection method(s) being used to facilitate collection of the outstanding fines.

Council approval of the ordinance is required.

#### 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 \$4,000.00. Any time a vehicle is immobilized, the offender will pay an "immobilization release fee" of \$35.00. If the vehicle is impounded, the offender pays directly to the towing company a release fee (presently \$75.00.)

No additional personnel is 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 would 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, and budget amendment, that will authorize the City to impound and immobilize vehicles that have 10 or more unpaid parking fines.

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:

Section 1. The following new section is hereby added to the Urbana City Code:

“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 ten (10) or more unpaid parking tickets issued to the vehicle by the City of Urbana or pursuant to an intergovernmental agreement.

- (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 ten (10) 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 a vehicle has been issued ten (10) or more unpaid parking tickets, the registered owner, or lessee shall be sent a 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; (payment does not preclude subsequent contesting of the violation(s) pursuant to 2 or 3 below); 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 ten (10) 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 ten (10) 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."

Section 2. The following fee is added to the Schedule of Fees as provided for in Section 14-7 of the Urbana City Code:

- Immobilized device removal fee                      \$35.00

Section 3. 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.

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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