

ORDINANCE NO. 2002-11-131

AN ORDINANCE TO 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, impoundment 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 reduce the opportunities for repeat violators to continue to violate parking ordinances, by immediately preventing further violations 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 Impoundment.

a) A parking violation is considered unpaid if the registered owner or lessee of the vehicle has not:

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

(2) Paid the full amount of the fine within ten (10) days of the city sending notice that the grounds for contesting the violation were rejected; or

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

b) When a vehicle has been issued ten (10) or more unpaid parking violations and the 10th violation is sixty (60) days old, the registered owner, or lessee shall be sent a warning that the vehicle may now be subject to impoundment. All such notices shall be sent by U.S. Mail, first class postage fully prepaid; the subject vehicle shall not be impounded prior to the 45th day following the date such notice was deposited in the U.S. Mail.

c) The City Police Department is herein authorized to impound any vehicle that has ten (10) or more unpaid parking violations, issued under Article XII through Article XIX of the Local Traffic Code, that are issued against such vehicle by the City of Urbana, Illinois, and if the Comptroller or designee determines that one or more of the following conditions exist:

(1) The vehicle is not currently registered in the State of Illinois; or

(2) That the Illinois Secretary of State's Office records do not provide a means of identifying the current driver's license number of the registered owner;

(3) The vehicle displays no license plates, expired license plates or displays fictitious plates.

(d) Procedures Following Impoundment. 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 all outstanding fines fees, towing and storage charges (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 impoundment. 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 impoundment. The vehicle shall remain impounded pending the outcome of the dispute and/or payment of the fines, fees, towing and storage charges. 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 impoundment by the city hearing administrator. The sole issue to be determined by the hearing administrator 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 impoundment. The vehicle shall remain impounded pending the outcome of the hearing and/or payment of the fines, fees, towing and storage charges. The hearing shall be conducted in the manner set forth in Section 23-211(7) of the Local Traffic Code.

(e) If the impounded vehicle is not reclaimed, the procedures for the disposition of the vehicle shall be the same as the procedures for the disposition of other vehicles pursuant to police order, as set forth in Article XX of the Local Traffic Code.

Section 2. 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