

ORDINANCE NO. 2009-10-113

**AN ORDINANCE TO IMMOBILIZE AND IMPOUND VEHICLES
WITH UNPAID PARKING FINES**

(Booting)

WHEREAS, the City of Urbana (hereinafter, "City"), an Illinois municipal corporation, has a population in excess of 25,000 and is a home rule entity pursuant to Article 7, §6 of the Constitution of the State of Illinois and 65 ILCS 5/1-1-10; and

WHEREAS, the City has a compelling interest in the efficient, effective, and orderly enforcement of its parking regulations; and

WHEREAS, parking violators who fail to timely pay their fines are an unnecessary financial expense to the City's taxpayers; and

WHEREAS, the City estimates it is unable to collect fines from individuals with one to ten unpaid parking violations, resulting in an estimated \$58,000.00 per year in lost revenue from unpunished offenses; and

WHEREAS, the City of Champaign, Illinois, as well as the University of Illinois, utilizes vehicle immobilization devices as an enforcement tool to discourage parking violations and to encourage timely payment of fines; and

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

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 CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

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

City Code:

"Sec. 23-220. 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 the vehicle by the City of Urbana:
- (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 at least five(5) unpaid parking tickets, that are at least thirty (30) days past due, the ticketed vehicle shall be immediately eligible to be stickered and immobilized until said tickets are paid in full.
 - (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/employee responsible for providing after-hours assistance; and
 - (10) A warning that states if the vehicle remains immobilized for seventy-two (72) hours, it will be subject to towing, impoundment, and any and all fees/costs associated with such towing/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 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 or his/her designee 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 and an additional sum in the amount of the cost of replacing a damaged vehicle immobilization device.

Section 2. The following fee is added to the Schedule of Fees as provided for in Section 14-7 of the Urbana City Code. It may, and shall, be amended from time to time, as necessary and prudent, in that Section only:

Immobilized device removal fee	\$50.00
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Section 3. If any part or subpart of this Ordinance shall be deemed unlawful or ruled unenforceable by a state or federal court of competent jurisdiction, the remaining sections shall remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect on December 1, 20109.

Section 5. 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 19th day of October, 2009.

AYES: Bowersox, Gehring, Marlin, Roberts, Smyth

NAYS: Stevenson

ABSTAINS:



[Signature]
Clark, City Clerk
[Signature]
Deputy Clerk

APPROVED by the Mayor this 23rd day of October, 2009.

[Signature]
Laurel Lunt Prussing, Mayor