



Agenda Cover Memorandum

Meeting Date: March 20, 2017

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Approve final reading of modifications of an Ordinance of the City Council of Park Ridge amending Article 14, Chapter 3, Section 16 – Regulation and Towing of Abandoned Vehicles.

Action Requested:

<input checked="" type="checkbox"/>	Approval	<input type="checkbox"/>	For discussion
<input type="checkbox"/>	Feedback requested	<input type="checkbox"/>	For your information

Staff Contact: Frank Kaminski, Chief of Police
Phone Number: 847/318-5261
Email Address: Fkaminsk@parkridgepolice.org

Background:
Article 14, Chapter 3, Section 16 authorizes the Police to ticket and if necessary tow abandoned vehicles. During 2016, the Department handled 109 calls for abandoned vehicles and towed 6. There were no requests for hearings.

In doing a review of the ordinance as part of our inspectional process, staff noted some minor inconsistencies with the ordinance that should be corrected.

First, the ordinance refers specifically to the Chief as the person responsible for performing duties of the ordinance. This should be changed from “Chief” to “Law Enforcement Officer”. This will correctly reflect those who perform this function.

Second, the owner of the vehicle is entitled to a hearing if the vehicle is towed. According to the ordinance, The Chief is to conduct the hearing. This needs to be changed to have any hearings handled through the Adjudication Hearing process, not the Chief.

These changes will help add clarity to the ordinance. Legal has reviewed these changes.

This item was discussed and the first reading approved at the Committee of the Whole meeting on March 13, 2017 and passed 6-0, (Alderman Shubert was absent).

Recommendation:
Approval of the changes to Ordinance of the City Council of Park Ridge - Article 14, Chapter 3, Section 16, Regulation and Towing of Abandoned Vehicles.

Budget Implications:
Does Action Require an Expenditure of Funds: Yes No
If Yes, Total Cost:
If Yes, is this a Budgeted Item: Yes No Requires Budget Transfer
If Budgeted, Budget Code (Fund, Dept, Object)

Attachments:

- Revised Ordinance of the City Council of Park Ridge Article 14, Chapter 3, Section 16.

CITY OF PARK RIDGE

ORDINANCE NO. 2017- _____

AN ORDINANCE AMENDING ARTICLE 14, CHAPTER 3 OF THE MUNICIPAL CODE OF PARK RIDGE REGARDING REGULATION AND TOWING OF ABANDONED VEHICLES

WHEREAS, the City of Park Ridge is an Illinois home rule municipal corporation operating under the Constitution and laws of the State of Illinois; and

WHEREAS, the City has authority to regulate the use of the public right-of-way, to prohibit obstructions within the public right-of-way and the abate any nuisances maintained within the City, including within the public right-of-way; and

WHEREAS, in exercise of such power, the City has prohibited any abandoned vehicle to remain within the public right-of-way after notice to remove and an opportunity for a hearing has been provided to the registered owner of the motor vehicle; and

WHEREAS, the City Council finds it in the best interest of the community, and in furtherance of the City's health, safety and welfare, to revise the procedures by which motor vehicles are designated as abandoned and become eligible for towing and impoundment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

SECTION 1: All of the above stated recitals are hereby incorporated into this Ordinance as if restated herein.

SECTION 2: Article 14, Chapter 3, Section 16, entitled "Abandoned Vehicles Prohibited," is hereby amended in the manner described in Exhibit A, attached hereto and incorporated as though fully set forth herein.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 4: The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of _____, 2017.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this
____ day of _____, 2017.

Acting Mayor Marty Maloney

Attest:

City Clerk

EXHIBIT A

DESCRIPTION OF AMENDMENT

14-3-16 - ABANDONED VEHICLES PROHIBITED

- A. It shall be unlawful to abandon a motor vehicle on any street, highway or other public way in the City.
- B. For purposes of this section:
1. "Abandon" means to cause or permit a motor vehicle to remain in any public way for a period of seven days or more when the vehicle is in inoperable condition; an "abandoned vehicle" is such a vehicle.
 2. "Inoperable condition" means the vehicle:
 - a. is incapable of moving under its own power; or
 - b. has one or more flat tires; or
 - c. has any defective, non-functional or missing component necessary to normal operation; or
 - d. lacks valid state or local registration or licensing; or
 - e. is uninsured.
 3. Any motor vehicle which has remained in any public way without apparent operation or use for a period of seven days is presumed to be inoperable. The presumption may be overcome by the owner of the motor vehicle with such information which demonstrates by a preponderance of the evidence that the motor vehicle does not meet any of the criteria described herein.
- C. The person in whose name any abandoned vehicle is or was last registered is presumed to be the person to have abandoned the vehicle.
- D. Any motor vehicle found abandoned on any public property is declared to be a nuisance which may be abated in any manner authorized by law.
- E. Any abandoned motor vehicle may be towed or otherwise removed from a public way and impounded at the direction of the Police Chief or his designee after notice and an opportunity for hearing in accordance with the following:
1. Upon determining that a vehicle is abandoned in a public way, ~~the Chief~~ a law enforcement officer shall post a notice on the vehicle directing that it be removed within seven days, indicating the date, warning that if not so removed the vehicle will be towed, advising that the owner is entitled to a hearing prior to towing, upon

request; and giving information about how to obtain further information and schedule a hearing.

2. ~~the Chief~~ A law enforcement officer shall make a reasonable effort, using normal law enforcement information systems, to identify the registered owner of the vehicle and, if that owner can be identified, ~~the Police Department~~ shall mail to the owner a notice containing the same information described in sub-paragraph 1 above. If the owner is not identifiable through normal means no such mail notice need be attempted.
 3. If the owner fails to respond to the notice within seven days and the vehicle is not removed ~~the Chief~~ a law enforcement officer shall issue a citation for violation of this section and shall proceed to remove the vehicle.
 4. If the registered owner or an authorized representative appears to request a hearing on the pending towing of the vehicle, ~~the Chief shall hold such a hearing as soon as may be practical within not more than three days~~ the owner shall be scheduled for the next available hearing before the City's Hearing Officer in the manner described in Article 20, Chapter 6 of the City Code. The owner shall be notified of the time and place of the hearing. The vehicle shall not be towed while a hearing is pending.
 5. At the hearing, ~~the Chief~~ a law enforcement officer shall explain why the vehicle is determined to be abandoned ~~and what the owner must do to avoid having the vehicle towed~~. The owner may present evidence (including an examination of the vehicle) that the vehicle is not abandoned or otherwise should not be towed. If the ~~Chief~~ Hearing Officer finds that the vehicle is not abandoned, it shall not be towed and any notice of violation of this Section shall be rescinded. Otherwise, the motor vehicle will be towed no earlier than ~~the owner shall have~~ 24 hours following the hearing ~~to remove the vehicle~~.
- F. Any vehicle towed and impounded in accordance with this Section shall be subject to the provisions of 625 ILCS 5/4-205 through 5/4-213 and may be disposed of by the Chief in accordance with those procedures.
- G. This Section shall not apply to any motor vehicle which is obstructing or impeding traffic or which otherwise constitutes a present hazard. Any such vehicle may be removed summarily at the direction of any law enforcement officer.