

# VILLAGE OF STICKNEY

6533 West Pershing Road  
Stickney, Illinois 60402-4048  
Phone - 708-749-4400  
Fax - 708-749-4451



Jeff Walik  
Village President

Mary Hrejsa  
Tim Kapolnek

## Village Trustees

Mitchell Milenkovic  
Sam Savopoulos

Leandra Torres  
Jeff White



Audrey McAdams  
Village Clerk

## REGULAR MEETING BOARD OF TRUSTEES VILLAGE OF STICKNEY

Tuesday, April 20, 2021

7:00 p.m.

**IMPORTANT NOTICE:** As a result of the ongoing COVID-19 pandemic and the Governor of the State of Illinois' declaration of an emergency, the meeting will be conducted in person and via Zoom in compliance with P.A. 101-0640. All persons attending the meeting in-person will be required to wear a face mask at all times while in the building and will further be subject to strict social distancing (6 feet separation). Electronic attendance via Zoom is strongly encouraged. The information for the Zoom meeting is as follows:

Website: Zoom.us  
Meeting ID: 312 915 7558  
Password: 768782

**PUBLIC COMMENT:** Persons not attending the meeting in person may submit "Public Comment" to the Village Clerk no later than one (1) hour before the scheduled start of the meeting. Please send public comments to the Village Clerk at [villageclerk@villageofstickney.com](mailto:villageclerk@villageofstickney.com).

## Meeting Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approve Minutes of the Previous Regular Meeting
5. Authorize Payment of Bills
6. Pass and Approve Ordinance 2021-06, "An Ordinance Amending Various Sections of Chapter 14 of the Municipal Code, Village of Stickney, Illinois Regarding Vehicle Towing and Impoundment"
7. Grant permission for a Block Party on \_\_\_\_\_ on 44<sup>th</sup> Street Between Home and Wenonah Ave
8. Report from the President
9. Report from the Clerk
10. Trustee Reports/Committee Reports
11. Reports from Department Heads
  - a. Presentation of the Annual Police Report
12. Public Comments
13. Adjournment

Posted April 16, 2021

**April 7, 2021**

**State of Illinois  
County of Cook  
Village of Stickney**

**IMPORTANT NOTICE:** As a result of the ongoing COVID-19 pandemic and the Governor of the State of Illinois' declaration of an emergency, the meeting will be conducted in person and via Zoom in compliance with P.A. 101-0640. All persons attending the meeting in-person will be required to wear a face mask at all times while in the building and will further be subject to strict social distancing (6 feet separation). Electronic attendance via Zoom is strongly encouraged. The information for the Zoom meeting is as follows:

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**The Board of Trustees of the Village of Stickney met via Zoom electronic means on Tuesday, April 7, 2021, at 7:01 p.m.**

**Upon the roll call, the following Trustees were present:  
Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos and White  
Absent: Trustee Torres has an excused absence.**

**Trustee Milenkovic moved, duly seconded by Trustee Kapolnek to approve the minutes of the previous Regular Session on Tuesday, March 16, 2021.**

**Upon the roll call, the following Trustees voted:  
Ayes: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and White  
Absent: Trustee Torres  
Nays: None  
Mayor Walik declared the motion carried.**

**Trustee White moved, duly seconded by Trustee Savopoulos that the bills, approved by the various committees of the Board, be approved for payment, and to approve warrants which authorize the Village Treasurer to draw checks to pay the bills, to be signed by the authorized signers, as provided for by the Ordinances of the Village of Stickney.**

**Upon the roll call, the following Trustees voted:  
Ayes: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and White  
Absent: Trustee Torres  
Nays: None  
Mayor Walik declared the motion carried.**

Trustee Kapolnek moved, duly seconded by Trustee Hrejsa to pass and approve Ordinance 2021-04, "An Ordinance Creating Section 50-40 of Chapter 50, Article II of the Municipal Code, Village of Stickney, Illinois Regarding Use of Premises or Property to Disturb the Peace"

Upon the roll call, the following Trustees voted:

Ayes: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and White

Absent: Trustee Torres

Nays: None

Mayor Walik declared the motion carried.

Prior to the vote, Village Attorney Tiffany Nelson-Jaworski explained that this ordinance establishes that disturbances of the peace would have a potential fine if someone uses their property or premises in a manner to disturb the peace. It allows a citation to be issued to the property owner when the property is being used in a manner that results in disturbing the peace. The minimum fine is \$100.

Trustee Milenkovic moved, duly seconded by Trustee Kapolnek to pass and approve Ordinance 2021-05, "An Ordinance Amending Chapter 42, Section 42-2 of the Municipal Code, Village of Stickney, Illinois Regarding Ambulance Fees"

Upon the roll call, the following Trustees voted:

Ayes: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and White

Absent: Trustee Torres

Nays: None

Mayor Walik declared the motion carried.

Prior to the vote, Village Attorney Tiffany Nelson-Jaworski informed us that this ordinance updates ambulance fees. We had been charging a flat rate plus milage. What this does is charge a flat rate for residents versus non-residents. Non-residents pay a little more. The Village is not in parity with other communities. The Village has not increased its rates for twenty-two years or so. We are now on the middle to low end of what other communities charge. Fire Chief Boyajian added in that the original billing was set up many years ago. We are finally up at where it should be.

Trustee White moved, duly seconded by Trustee Savopoulos to approve, Resolution 02-2021, "A Resolution Authorizing and Approving an Extension and Amendment of the Master Agreement for the Use of Renewable Energy in the Stickney Village Aggregation Program for the Village of Stickney"

Upon the roll call, the following Trustees voted:

Ayes: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos and White

Absent: Trustee Torres

Nays: None

Mayor Walik declared the motion carried.

Prior to the vote, Trustee White provided information that this is basically extending our current contract with Eligo an additional three years. Our lawyer looked at the contract to make sure it is as it should be. We will receive \$5,000 per year of the contract. We can use that money in a proper manner. Village Attorney Tiffany Nelson-Jaworski said she made some minor edits.

**MAYOR'S REPORT:** He wished Trustee Torres well. Yesterday was the election. Although it hasn't been certified yet. He congratulated Clerk McAdams, Trustees Kapolnek, Trustee Savopoulos and Trustee Torres on their reelection. The next four years are going to be even better. We will have even better services. There will be continued hard work done by our Trustees and our wonderful Police Chief, Fire Chief and Public Works Director. There will be a small newsletter coming out. Expect articles from the Police Chief, Public Works Director and the Fire Chief. There will be information concerning the May 2, 2021 Cinco de Mayo event at the Pavilion. We would like to have a small Little League and Soccer parade. The Mayor thanked everyone for supporting us.

**CLERK'S REPORT:** The clerk read a proclamation recognizing National Public Safety Telecommunication Week, April 11<sup>th</sup> through the 17<sup>th</sup>, 2021. The clerk reminded people who are required to submit the annual filing of the Cook County Statement of Economic Interest by May 31, 2021. Discussion was held concerning an upcoming TIF meeting. Village Attorney Tiffany Nelson-Jaworski said that the hearing will be on April 16, 2021 which is the meeting of the Joint Review Board at 3:00 p.m. There will be a Public Meeting on May 18<sup>th</sup>. This meeting will be held at 7:00 p.m. prior to the Regular Board meeting.

All the Trustees congratulated the newly re-elected Mayor, Clerk McAdams and Trustees Kapolnek, Savopoulos and Torres.

**Trustee Savopoulos:** Referred to the previous conversation held concerning the TIF meetings.

**Trustee Milenkovic:** We were informed that the Tree Board is working hard preparing for our Arbor Day celebration to be held on the last Friday of April. This is a special anniversary. It is the 150<sup>th</sup> Anniversary. Because the schools are still not in session, we are still working on something to celebrate Arbor Day.

**Police Chief Jim Sassetti:** He extended congratulations and gratitude to the people at our dispatch center. No one really knows how hard they work. They probably have one of the most stressful jobs at times. We have an IDOT Grant going on. It is for distracted driving. It started on Monday and runs throughout the week. Thanks were given to Public Works for their work in placing the cement barricades along 44<sup>th</sup>, 43<sup>rd</sup> and 42<sup>nd</sup> Streets and Harlem Avenue. This will restrict access into our residential area off of Harlem. This is a multifaceted reason why we are doing this in Springtime. Cars turn off Harlem Avenue to avoid Harlem Avenue traffic. It is done to protect our children against speeding vehicles along Harlem Avenue. We have determined to keep them in place for the entire Summer. He welcomed that people could call him with questions.

**Public Works Director Joe Lopez:** It was noted that the street sweepers are ready to go.

Fire Chief Jeff Boyajian: The Chief joined Police Chief Sassetti in offering congratulations to our dispatch personnel. They do a great job and he wished them continued success in what they do for us.

**ANNUAL INCIDEDNT TYPE REPORT SUMMARY FOR 2020**

**Total Fires: 29;**  
**Total EMS Calls/Patient Assists: 812**  
**Service Calls (wires down/residential lockouts/odor investigations/etc.): 114**  
**Automatic Fire/Trouble Alarms: 102**  
**Mutual Aids: 121**

**Total Emergency Responses: 1,178**

There being no further business, Trustee White. moved, duly seconded by Trustee Savopoulos that the meeting be adjourned. Upon which the Board adopted the motion at 7:28 p.m.

\_\_\_\_\_  
Audrey McAdams, Village Clerk

Approved by me this      , day of      , 2021

\_\_\_\_\_  
Jeff Walik, Mayor

**Village of Stickney**  
**Warrant Number 20-21-24**

EXPENDITURE APPROVAL LIST  
FOR VILLAGE COUNCIL MEETING ON  
April 20, 2021

Approval is hereby given to have the Village Treasurer of Stickney, Illinois pay to the officers, employees, independent contractors, vendors and other providers of goods and services in the indicated amounts as set forth.

A summary indicating the source of funds used to pay the above is as follows:

01 CORPORATE FUND		79,028.63
02 WATER FUND		238,900.15
03 MOTOR FUEL TAX FUND		426.38
05 1505 FUND		-
07 POLICE REVENUE SHARING FUND		-
08 CAPITAL PROJECTS FUND		-
09 BOND & INTEREST FUND		-
	Subtotal:	<u>318,355.16</u>
General Fund Payroll	4/15/2021	186,930.75
Water Fund Payroll	4/15/2021	<u>16,635.80</u>
	Subtotal:	<u>203,566.54</u>
Total to be Approved by Village Council		<u><u>521,921.70</u></u>

Approvals:

\_\_\_\_\_  
Jeff Walik, Mayor

\_\_\_\_\_  
Audrey McAdams, Village Clerk

\_\_\_\_\_  
Treasurer

**VOS\_41665\_Village of Stickney**  
Check/Voucher Register - Check Register  
01 - General Fund  
From 4/1/2021 Through 4/15/2021

Check Number	Vendor Name	Effective Date	Check Amount
503580	Bell Fuels, Inc.	4/5/2021	1,230.62
503581	CDW Government	4/5/2021	33.35
503583	Konica Minolta Business Solutions U.S....	4/5/2021	307.55
503584	Menards - Hodgkins	4/5/2021	195.33
503588	O'Reilly First Call	4/5/2021	100.15
503589	Illinois Fire & Police Commissioners As...	4/5/2021	375.00
503590	INDUSTRIAL/ORGANIZATIONAL SOLU...	4/5/2021	2,305.00
503591	ANDERSON PEST SOLUTIONS	4/6/2021	77.95
503592	Comcast	4/6/2021	10.50
503593	CWF Restoration	4/6/2021	1,300.00
503594	Emergency Medical Products	4/6/2021	238.70
503595	Gas Plus Corp	4/6/2021	323.82
503596	Google LLC	4/6/2021	192.00
503597	L.A. Fasteners, Inc.	4/6/2021	7.60
503598	Medical Reimbursement Services	4/6/2021	1,343.80
503599	Minuteman Press of Lyons	4/6/2021	50.09
503600	Municipal Emergency Services	4/6/2021	8,351.70
503601	NAPA AUTO PARTS	4/6/2021	110.72
503602	Ready Refresh	4/6/2021	25.99
503603	Richard Bessette	4/6/2021	54.16
503604	The Eagle Uniform Co.	4/6/2021	67.00
503606	CUMMINS	4/8/2021	475.08
503608	L.A. Fasteners, Inc.	4/8/2021	5.76
503609	Menards - Hodgkins	4/8/2021	69.74
503611	Westfield Ford, Inc.	4/8/2021	1,198.10
503612	Air Duct Cleaners, Inc.	4/8/2021	14,505.00
503613	Dearborn National	4/12/2021	1,282.96
503614	Petty Cash	4/12/2021	216.25
503615	WASTE MANAGEMENT	4/12/2021	28,965.26
503616	Abila	4/15/2021	812.54
503617	Aftermath	4/15/2021	155.00
503618	B and B Maintenance, Inc	4/15/2021	1,492.07
503619	Bell Fuels, Inc.	4/15/2021	2,077.28
503620	Cintas Corporation - #21	4/15/2021	305.64
503621	Citizens Bank	4/15/2021	986.84
503623	Clear View	4/15/2021	2,132.13
503624	Comcast Business	4/15/2021	2,560.06
503625	Comcast	4/15/2021	163.66
503626	Domain Registry	4/15/2021	50.00
503627	Forest View Dunkin Donuts	4/15/2021	139.71
503628	Gas Plus Corp	4/15/2021	323.82
503631	Just Tires	4/15/2021	163.32
503633	Municipal Web Services	4/15/2021	325.00
503634	N.E.M.R.T.	4/15/2021	175.00
503636	Russo's Power Equipment, Inc.	4/15/2021	209.97
503637	Security Benefit	4/15/2021	1,161.29
503639	Skynet Security Systems	4/15/2021	200.00
503640	VERIZON	4/15/2021	1,528.02
503641	Webmarc Doors	4/15/2021	368.10
503642	Zoos Are Us, Inc.	4/15/2021	280.00
Total 01 - General Fund			79,028.63

**VOS\_41665\_Village of Stickney**  
Check/Voucher Register - Check Register  
02 - Water Fund  
From 4/1/2021 Through 4/15/2021

Check Number	Vendor Name	Effective Date	Check Amount
503580	Bell Fuels, Inc.	4/5/2021	615.33
503582	ComEd	4/5/2021	2,925.46
503584	Menards - Hodgkins	4/5/2021	147.19
503585	Metropolitan Industries, Inc	4/5/2021	640.00
503586	T.M. Tire Co., Inc.	4/5/2021	2,734.75
503587	Comcast	4/5/2021	165.68
503588	O'Reilly First Call	4/5/2021	200.30
503607	Harlem Plumbing Supply	4/8/2021	73.08
503610	Standard Equipment Company	4/8/2021	564.52
503619	Bell Fuels, Inc.	4/15/2021	1,038.63
503620	Cintas Corporation - #21	4/15/2021	305.60
503621	Citizens Bank	4/15/2021	435.67
503622	City of Chicago	4/15/2021	227,048.84
503629	Gasvoda & Associates, Inc.	4/15/2021	1,451.05
503630	Intergovernmental Risk Management ...	4/15/2021	4.00
503632	Menards - Hodgkins	4/15/2021	166.35
503635	NICOR GAS	4/15/2021	257.00
503638	Shorewood Home & Auto, Inc.	4/15/2021	126.70
Total 02 - Water Fund			238,900.15



**VOS\_41665\_Village of Stickney**  
Check/Voucher Register - Check Register  
03 - Motor Fuel Tax Fund  
From 4/1/2021 Through 4/15/2021

Check Number	Vendor Name	Effective Date	Check Amount
503582	ComEd	4/5/2021	183.76
503605	ComEd	4/8/2021	242.62
	Total 03 - Motor Fuel Tax Fund		426.38
Report Total			318,355.16

## **ORDINANCE NO. 2021-06**

### **AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING VEHICLE TOWING AND IMPOUNDMENT**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its governmental affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

**WHEREAS**, the Code of Ordinance of the Village of Stickney, Illinois (the "Village Code") currently sets forth certain regulations for the towing and impounding of vehicles (the "Existing Regulations"); and

**WHEREAS**, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time; and

**WHEREAS**, the Corporate Authorities further wish to streamline the Existing Regulations by combining certain provisions and eliminating duplicative and/or contradictory language; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend various sections of Chapter 14 of the Village Code as set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

#### **ARTICLE I. IN GENERAL**

##### **SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

##### **SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend various sections of Chapter 14 of the Village Code to update, amend, and clarify the Village's Existing Regulations, to further streamline the Existing Regulation by combining certain provisions and eliminating duplicative and/or contradictory language and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

## ARTICLE II.

**AMENDMENT OF CHAPTER 14, SECTION 14-194, SECTION 14-195.01, SECTION 14-195.02, SECTION 14-195.04, SECTION 14-195.05, SECTION 14-195.06, SECTION 14-195.07, SECTION 14-195.08, SECTION 14-196, SECTION 14-197, SECTION 14-198, SECTION 14-200 AND SECTION 14-201 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

### **SECTION 3.0 AMENDMENT OF CHAPTER 14 SECTION 14-194**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-194 as follows:

**Sec. 14-194. - Possession of firearm in a motor vehicle** is stricken in its entirety with said stricken language being added to Chapter 14, Section 14-196, as amended herein.

### **SECTION 3.1 AMENDMENT OF CHAPTER 14 SECTION 14-195.01**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.01 as follows:

**Sec. 14-195.01. - Towing and impoundment of motor vehicles for unpaid parking tickets.**

That subsection (a) is hereby stricken in its entirety and the remainder of the section amended as follows:

~~(b a))~~ *Notices prior to towing and impoundment of vehicle.* Prior to the vehicle being towed, the owner of the vehicle shall have been sent at least two written notices Any vehicle that is subject to towing, other than a towing for which no prior notice is required in accordance with this chapter, shall have a tow notice applied thereto, and a pre-tow warning notice shall be sent to the registered owner and the lienholder, if applicable. Said notice shall advise the registered owner that he or she has at least five (5) outstanding and unpaid parking and/or traffic tickets and that a failure to pay these tickets or request a hearing within five calendar three (3) business days may result in the vehicle being towed and impounded by the village or its agent. Each notice shall be labelled as to whether the notice is the first notice ("warning notice") or the second notice ("final notice"). After five days after from receipt of the final notice, where receipt shall be presumed to have occurred after three business days of sending the notice, Such pre-tow warning notice shall include a description of the vehicle, the license plate and vehicle identification numbers (VIN), if available and legible, and notice that a hearing as to the propriety of the towing will be granted, if requested. If, after ten (10) calendar days, there has been no response to the pre-tow warning notice, the tickets remain unpaid, and no hearing has been requested, the village may proceed with towing and impounding the vehicle at any time unless all unpaid tickets have been paid or a hearing has been requested as provided in this subsection . A post-tow notice shall be sent to the owner and the lienholder, if applicable, no more than five (5) business days after the vehicle is towed, and shall include a copy of the village tow order. This notice shall also include the opportunity to request a post-tow hearing. If a hearing is requested after a vehicle is towed, it will be granted in accordance with the post-tow hearing procedures set forth in this division. All notices shall be sent by the Village and served by certified or registered mail, return receipt requested, to the address of the registered owner and lienholder, if applicable, of the vehicle as recorded with the secretary of state of Illinois. If the vehicle is registered in a state other than Illinois, the village police department shall send appropriate notice in accordance with

this division to the address of the registered owner and lienholder, if applicable, as recorded in such other state registry of motor vehicles.

(b) *Unregistered or unlicensed motor vehicles.* Notwithstanding anything to the contrary in this division, when a motor vehicle is subject to towing and impoundment for unpaid parking tickets as provided for in this division and the vehicle has no vehicle license or registration, a sticker stating "notice of intent to tow and impound" shall be affixed to the vehicle windshield. If the owner or person entitled to possession of the vehicle has not contacted the village within 24 hours thereafter, the motor vehicle shall be subject to immediate tow and impoundment.

### **SECTION 3.2 AMENDMENT OF CHAPTER 14, SECTION 14-195.02.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.02 as follows:

#### **Sec. 14-195.02. - Claiming vehicles after tow and impoundment for unpaid parking tickets.**

(a) Before the owner shall be permitted to claim the vehicle and have the vehicle released and returned from the impound lot, the owner shall furnish to the police department evidence of his or her identity and ownership of the vehicle and right of possession thereto; shall pay the costs of towing and storing the impounded vehicle; and shall satisfy all unpaid parking and traffic citations for which the motor vehicle was towed and impounded and present proof of such satisfaction.

(b) Alternatively, the owner may post a ~~\$500.00~~ \$750.00 bond, in addition to satisfying and discharging all parking and traffic tickets for which the motor vehicle was towed and impounded, and request a hearing be held on the next regularly scheduled hearing date. Requests for a post-towing and impoundment hearing may be made by telephone, in person or by mail within fifteen (15) days of the mailing date of notification of the towing and impoundment or release of the vehicle, whichever occurs first. Requests are to be made to the Village of Stickney police department.

(c) The hearing shall be conducted in conformity with sections ~~14-195.04 through 14-195.06~~ and shall determine the validity of the towing and impoundment of the vehicle and any charges.

### **SECTION 3.3 AMENDMENT OF CHAPTER 14, SECTION 14-195.04.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.04 as follows:

**Sec. 14-195.04. - Request for post-towing and impoundment hearing for unpaid parking tickets** is stricken in its entirety with such language being added to Chapter 14, Section 14-195.02.

### **SECTION 3.4 AMENDMENT OF CHAPTER 14, SECTION 14-195.05.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.05 as follows:

**Sec. ~~14-195.05~~ 14-195.04. - Procedures for post-towing and impoundment hearing for unpaid parking tickets.**

Personnel designated by the police chief shall, upon receipt of a hearing request pursuant to this division, fully and accurately complete a request for an a towing and impoundment hearing form and forward copies of those records to the village hearing officer to conduct the hearing. These records include, but are not limited to, a motor vehicle inventory report, any cash receipts for towing and impoundment storage fees, towing and other case reports, as well as registration information. Upon completion of a request for a post towing and impoundment hearing report and the attachment thereto of required records, personnel receiving and processing the request shall forward it to the hearing officer.

### **SECTION 3.5 AMENDMENT OF CHAPTER 14, SECTION 14-195.06.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.06 as follows:

#### **~~Sec. 14-195.06~~ 14-195.05. - Fees for vehicle towing and storage.**

The fees for vehicle towing and storage shall be determined by the towing service contracted by the village. In the event that a specialized towing vehicle is required to tow any vehicle, including commercial vehicles, the vehicle owner shall bear any and all costs associated with towing said vehicle. Daily storage fees shall be set by and payable to the towing service.

### **SECTION 3.6 AMENDMENT OF CHAPTER 14, SECTION 14-195.07.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.07 as follows

**Sec. 14-195.07. - Unregistered or unlicensed motor vehicles** is stricken in its entirety as this language is duplicative of language in Chapter 14, Section 14-195.01.

### **SECTION 3.7 AMENDMENT OF CHAPTER 14, SECTION 14-195.08.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-195.08 as follows

#### **~~Sec. 14-195.08~~ 14-195.06. - No towing and impoundment by parties other than the village or its agents.**

Only the village and its agents may tow and impound motor vehicles within the corporate limits of the village. Private landowners may tow vehicles parked in violation of a posted notice provided that the notice on their private property provided that parking is reserved for residents of a particular building or to those visiting a particular building and that violators will be towed.

### **SECTION 3.8 AMENDMENT OF CHAPTER 14, SECTION 14-196.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-196 as follows:

#### **Sec. 14-196. - Other conduct prohibited.**

(a) A motor vehicle used in connection with any of the following violations may be subject to immediate seizure and/or impoundment by the village and the owner of record

of said vehicle shall be liable to the village for any administrative penalty of \$750.00, plus any applicable towing and storage fees:

- (1) Driving under the influence of alcohol, other drug or drugs, intoxicating compound(s) or any combination thereof, or possession of drugs or intoxicating compound(s) as provided by the Illinois Compiled Statutes (625 ILCS 5/11-501(a)).
  - (2) Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, pursuant to the Illinois Compiled Statutes (625 ILCS 5/6-303) or is suspended or revoked for any other reason and the vehicle is being operated in violation of 625 ILCS 5/6-303.
  - (3) Driving without a valid driver's license pursuant to Illinois Compiled Statutes (625 ILCS 5/6-101).
  - (4) Arrest for any felony offense pursuant to the Illinois Compiled Statutes (720 ILCS).
  - (5) The operation of any motor vehicle with open alcohol in violation of 625 ILCS 5/11-502.
  - (6) Any vehicle being operated or having been operated while the operator or occupants of the vehicle are in the commission of or fleeing from the commission of a crime constituting a charge of a class A misdemeanor, or any felony.
  - (7) An accident involved motor vehicle.
  - (8) A hazardous vehicle.
  - (9) A derelict motor vehicle, including any vehicle which has been immobilized for 72 hours or more pursuant to section 14-195.10.
  - (10) Any motor vehicle that is parked on a public way, alley or a loading zone in violation of sections 14-143, 14-145, 14-148, 14-150, or 14-154 of this Code.
  - (11) Any motor vehicle that is illegally parked in a tow away zone.
  - (12) Any motor vehicle that is inoperable due to the arrest of the owner or operator.
  - (13) A vehicle parked in violation of section 14-141.
  - (14) A tow away zone obstruction vehicle.
  - (15) An improperly stored motor vehicle or other equipment on a private lot.
  - (16) Any motor vehicle that contains an unregistered firearm or a firearm that is not broken down in a non-functioning state. Except that (a) if the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle or (b) if the owner proves that the presence of the firearm was permissible pursuant to the provisions of this Code.
- (b) Whenever a police officer has a reason to believe that a vehicle is subject to seizure and/or impoundment pursuant to this division, the police officer shall provide for the towing of the vehicle to a facility approved by the police chief. This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 12 hours after the theft was discovered or reasonably should have been discovered.
- (c) The police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of seizure or impoundment and of the vehicle owner's rights and options under this division to reclaim his vehicle, including his right to demand a hearing.

- (d) Whenever a vehicle is blocking a right of way or is causing an obstruction to the completion of scheduled work or maintenance, such as tree trimming, street maintenance or replacement, sewer or water maintenance or replacement, the Village and its police officers may tow or impound the vehicle where advance notice of the work has been given and sufficient signage has been posted. However, the Village and its police officers reserve the right to relocate the vehicle. Information related to where the vehicles has been relocated to shall be available through the police department. The Village reserves the right to charge the vehicle owner or operator the costs related to relocating the vehicle.

### **SECTION 3.9. AMENDMENT OF CHAPTER 14, SECTION 14-197.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-197 as follows:

**Sec. 14-197. - Seizure and impoundment** has been stricken in its entirety and such language has been added to Chapter 14, Section 14-196.

### **SECTION 3.10. AMENDMENT OF CHAPTER 14, SECTION 14-198.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-198 as follows:

#### **Sec. 14-198 14-197. - Post-towing options for vehicle's legal owner.**

- (a) The owner of a vehicle seized and/or impounded by the village has the following options:

(1) Pay the ~~\$500.00~~ 750.00 bond set forth in section 14-195.02 and payment of all unpaid parking and traffic tickets at the village police department and obtain a release form to claim his or her vehicle from the towing company. Payment of all unpaid towing and storage fees must also be made. If a bond is posted as provided for in this division, the owner of the vehicle shall remain liable to the towing agent for any applicable towing fees and storage costs and all bond money posted shall be held by the village until the decision of the hearing officer issues, or if there is a judicial review, until the court issues a decision.

(2) After the ~~\$500.00~~ 750.00 bond is posted and after all unpaid parking and traffic tickets have been paid as well as any towing and storage costs, the owner will receive an adjudication date for the next regularly scheduled village adjudication and a release form to claim his or her vehicle from the towing company; the adjudication date will occur within 30 days of the date of the payment of the bond, all unpaid tickets, and towing and storage fees. The ~~\$500.00~~ 750.00 bond will be refunded if the owner is found not liable by the hearing officer. Failure to appear for a requested hearing may result in a judgment against the owner.

- (b) If the owner elects to receive an adjudication date, the hearing officer shall render a decision, based upon a preponderance of the evidence, at the hearing. Said findings shall include:

(1) A finding that a vehicle was used in violation of this division shall result in the issuance of an administrative fine of ~~\$500.00~~ 750.00.

- (2) A finding that a vehicle was not used in violation of this division shall result in the refunding of the ~~\$500.00~~ 750.00 bond.
- (c) The failure of the owner of record to appear at the hearing or to request a continuance in a timely manner shall be deemed to a waiver of the right to a hearing and a default order in favor of the village shall be entered.
  - (d) If the owner of record chooses to pay the fine at the village police department and immediately reclaim his vehicle, the owner waives the right to a hearing and accepts an order of liability to the village. In the event of such waiver, the owner of record shall pay the appropriate administrative fine as well as any unpaid parking and traffic tickets and any towing and storage fees. Such payment shall constitute an admission of liability and a waiver of a right to a hearing and will entitle the owner to immediately reclaim his or her vehicle.
  - (e) If the owner of record does not appear at the village police department to claim his or her vehicle or pay the bond provided for in this section within ten (10) calendar days of the towing, the village police department will mail a notice to the owner of record providing the date, time, and location of an adjudication hearing on the purported violation of ~~section 14-195.03~~ this Division 9.
  - (f) An administrative penalty, plus towing and storage fees, imposed pursuant to this division shall constitute a debt due and owing to the village, which may be enforced in any manner provided by law. Any cash bond posted pursuant to this section shall be applied to the penalty.

#### **SECTION 3.11.            AMENDMENT OF CHAPTER 14, SECTION 14-198.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-198 as follows:

##### **Sec. 14-199 14-198. - Disposition of impounded vehicle.**

- (a) *In general.* Except as provided otherwise in this division, a vehicle shall continue to be impounded until the administrative penalty, or the cash bond is paid to the village. Upon payment of all fines, unpaid tickets, and towing and storage fees, or a cash bond to the village, and payment of all fees and storage and unpaid tickets to the towing company, possession of the vehicle shall be granted to the party legally entitled to possess the vehicle.
- (b) *Fines and bond.* A vehicle impounded pursuant to this section shall remain impounded until:
  - (1) Payment in full of any and all outstanding parking and/or traffic citations for which the owner or operator has been found liable is paid to the village and all applicable towing and storage fees are paid to the towing service; or
  - (2) A bond in the amount of ~~\$500.00~~ 750.00 is posted with the police department and all applicable towing and storage fees are paid to the towing agent. Notwithstanding the foregoing, the vehicle shall not be released until the owner/operator has satisfied any and all outstanding parking and/or traffic citations for which the owner/operator has already been found liable; or



- (3) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles; or
- (4) The vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.
- (c) *Time limits.* Any vehicle not reclaimed within 30 days following the expiration of the time during which the owner of record may seek judicial review of the village's action or within 30 days following a final judgment in favor of the village may be disposed of as an unclaimed vehicle as provided by law provided, however, that where proceedings have been instituted under state or federal or asset forfeiture laws, the subject vehicle may not be disposed of by the village except as consistent with those proceedings.

#### **SECTION 3.12. AMENDMENT OF CHAPTER 14, SECTION 14-200.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-200 as follows:

**Sec. 14-200. - Posting of bond** is stricken in its entirety with such language being added to Chapter 14, Section 14-197.

#### **SECTION 3.13. AMENDMENT OF CHAPTER 14, SECTION 14-201.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-201 as follows:

**Sec. 14-201. - Vehicle possession** is stricken in its entirety as such language is duplicative of language in Chapter 14, Section 14-198.

#### **SECTION 3.14. OTHER ACTIONS AUTHORIZED.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith, including, but not limited to, the installation of any street or parking signs as contemplated herein. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

### **ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

#### **SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**SECTION 5. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 6. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Jeff Walik, President

ATTESTED AND FILED in my  
office this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Audrey McAdams, Village Clerk