

ORDINANCE NO. 2019- 02

AN ORDINANCE AMENDING CHAPTER 14, SECTION 14-141, SECTION 147, AND DIVISION 9 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING VEHICLE IMMOBILIZATION, TOWING AND IMPOUNDING

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 government and 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 Municipal Code, Village of Stickney, Illinois (the "Village Code") currently sets forth certain regulations for the immobilization, 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 find that vehicles are sometimes abandoned in the Village, thereby creating a nuisance and posing a danger to the health, safety and welfare of the community, particularly where the abandoned vehicles remain on the street, unattended and unmoved, for seven (7) or more days, or remain on the street or otherwise block certain municipal and emergency services. For instance, a vehicle parked in the path of a snow plow or other snow removal equipment on a designated plow day, thereby preventing the road from being clear for use by emergency vehicles and personnel, as well as the general public thus posing a threat to the emergency vehicles and services ability to perform their functions; and

WHEREAS, the Corporate Authorities recognize this nuisance and threat to the health, safety and welfare of the community and thus, wish to remove vehicles blocking the right of way preventing the provision of certain municipal services and emergency personnel and services and to remove abandoned vehicles as defined by the Village Code and state law after seven (7) days and to clarify the procedure regarding same; and

WHEREAS, the Corporate Authorities further wish to clean up and clarify some language and inconsistencies in the Existing Regulations; 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 Chapter 14, Section 14-141, Section 14-147 and Division 9 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 Chapter 14, Section 14-141, Section 14-147 and Division 9 of the Village Code to update, amend, and clarify the Village's Existing Regulations, 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 14-141, SECTION 14-147 AND DIVISION 9 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0 AMENDMENT OF CHAPTER 14, SECTION 14-141

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-141 by striking out any language to be removed or repealed and underlining any new language as follows:

Sec. 14-141. - Removal of illegally parked vehicles.

- (a) In addition to Chapter 14, Division 9, the police department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle, or blocks snow plows or other vehicles trying to maintain a clear path for emergency vehicles; or any other illegally parked vehicle which is parked in any public street or any other public place.
- (b) Cars so towed away shall be stored on village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the village in removing and storing such vehicles. The registered owner shall also be responsible for the payment of an administrative cost of two-hundred dollars (\$200.00).

SECTION 3.1 AMENDMENT OF CHAPTER 14, SECTION 14-147.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Section 14-147 as follows:

Sec. 14-147. – Parking After Snowfalls.

(a) It shall be unlawful to park any vehicle when snowfall is over two inches as follows:

(1) On odd-numbered days from 8:00 a.m. to 11:00 p.m.

- a. On the south side of all streets and public thoroughfares extending in a generally easterly and westerly direction, except for Pershing Road;
- b. On the east side of all streets and public thoroughfares extending in a generally northerly and southerly direction, except Harlem Avenue.

(2) On even-numbered days from 8:00 a.m. to 11:00 p.m.

a. On the north side of all streets and public thoroughfares extending in a generally easterly and westerly direction, except for Pershing Road.

b. On the west side of all streets and public thoroughfares extending in a generally northerly and southerly direction, except for Harlem Avenue.

(b) It shall be unlawful to park any vehicle when snowfall is over six inches as follows:

(1) On Pershing Road between the hours of 12:00 a.m. to 5:00 a.m. pending removal.

a. One the south side of the street between Clinton and Ridgeland Avenue.

(c) When snowfall measures two inches or more, the snow removal regulations supersede the street sweeping regulations.

(d) Vehicles that fail to move their vehicles in the locations described in this section may have their vehicles towed or relocated by the Village or its agent to a municipal parking lot, public parking lot, or public street. The Village shall give notice to the registered owner of the vehicle that the vehicle was towed or relocated within three (3) business days of the relocation or tow. Said notice shall be by served by registered or certified mail, or personal delivery. Vehicles in violation of this Section that are on their third violation shall have their vehicle towed and shall no longer be eligible for vehicle relocation as it relates to towing. The registered owner of any towed vehicle shall be responsible for payment of an administrative cost of two hundred dollars (\$200.00).

SECTION 3.2 AMENDMENT OF CHAPTER 14, DIVISION 9.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14, Division 9, in part, as follows:

Sec. 14-195 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means a vehicle parked or otherwise located on the public way or public property and:

- (1) In such a state of disrepair that it is incapable of being driven; or
- (2) That has been unmoved for a period of ~~five (5)~~ seven (7) days.

Sec. 14-274. - Removal of abandoned or unattended vehicle located on highway.

When a vehicle is abandoned or left unattended upon a highway or public property in this city Village and the vehicle poses a public danger or nuisance for ten (10) hours or more, the chief of police may authorize a towing service to relocate or tow and impound the vehicle to remove and impound it.

Registered owners of vehicles that have not moved or are inoperable as defined by the definition for abandoned vehicles shall have a notice posted to their vehicle or otherwise issued, and a notice sent by certified or registered mail informing the registered owner

that the vehicle will deemed an abandoned vehicle if it has not been moved or operated in seven (7) days and it will be towed on the 8th day if the vehicles is not relocated. The registered owner shall be responsible for the costs of the towing, the storage of the vehicle, and an administrative cost of two-hundred (\$200.00).

SECTION 3.3. 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.

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PASSED this 19th day of February, 2019.

AYES: Trustees Hrejsa, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: Trustee Kapolnek

ABSTENTION: None

APPROVED by me this 19th day of February, 2019.

Jeff Walik, President

ATTESTED AND FILED in my
office this 20th day of February, 2019.

Audrey McAdams, Village Clerk