



# City of Chicago



O2020-3369

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 6/17/2020

**Sponsor(s):** Lightfoot (Mayor)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Titles 2, 3, 4, 7, 8, 9, 10, 11, 15 at various sections relating to or impacting vehicle impoundment

**Committee(s) Assignment:** Committee on Pedestrian and Traffic Safety

TRAFFIC



OFFICE OF THE MAYOR  
CITY OF CHICAGO

LORI E. LIGHTFOOT  
MAYOR

June 17, 2020

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Comptroller, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding vehicle impoundment.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Lori E. Lightfoot". The signature is written in a cursive style with a large, sweeping flourish at the end.

Mayor

## ORDINANCE

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** Section 2-14-132 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**2-14-132 Impoundment.**

*(Omitted text is not affected by this ordinance)*

(h) For purposes of the section, a vehicle is not considered to have been used in a violation that would render the vehicle eligible for towing if:

(1) the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered;

(2) the vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the vehicle; or

(3) the alleged owner provides adequate proof that the vehicle had been sold to another person prior to the violation;

(4) the owner of the vehicle provides adequate proof that a criminal court dismissed all of the alleged criminal violations for which the vehicle was impounded after a judicial finding of the facts of, or laws applicable to, such violations; or

(5) the owner of the vehicle was not present at the scene of the alleged crime for which the vehicle was impounded, and the owner of the vehicle provides adequate proof that:

(i) (A) the owner was not legally accountable for the conduct giving rise to the impoundment or acquiesced in the conduct; and (B) the owner did not solicit, conspire, or attempt to commit the conduct giving rise to the impoundment; and (C) the owner did not know or did not have reason to know that the conduct giving rise to the impoundment was likely to occur; or

(ii) a motion of innocent owner has been granted to the owner pursuant to 725 ILCS 150/9.1, 720 ILCS 5/36-2.7 or 720 ILCS 5/29B-14 for the alleged violation for which the vehicle was impounded.

*(Omitted text is not affected by this ordinance)*

**SECTION 2.** Section 3-56-155 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**3-56-155 Counterfeit wheel tax license emblems —Impoundment.**

~~(a)~~ No person shall operate or park on the public way any vehicle bearing a counterfeit wheel tax license emblem. For purposes of this section, a "counterfeit wheel tax license emblem" shall mean an emblem not prepared by, or at the direction of, the eCity eClerk. ~~A vehicle operated or parked in violation of this section is subject to immediate impoundment. The owner of record~~ operator of such vehicle shall be liable to the eCity for an administrative penalty of \$1,000 \$500

~~in addition to fees for towing and storage of the vehicle. Whenever a police officer, or authorized officer or agent of the city clerk, has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, such officer or agent shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Probable cause under this section shall exist if the wheel tax license emblem is missing a visible security feature or appears on its face to be counterfeit. When the vehicle is towed, the officer or agent shall notify the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. If the vehicle is unattended, notice shall be sent to the owner of record of the vehicle, at the address indicated in the last valid registration of the vehicle.~~

~~(b) In addition to the other requirements for release from impoundment imposed pursuant to Section 2-14-132, a vehicle impounded pursuant to this section shall not be released until the counterfeit emblem is removed from the vehicle and proof of purchase of a valid wheel tax license emblem for the impounded vehicle is provided to the official having custody of the vehicle.~~

~~(c) The notice provisions of subsection (b) of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**SECTION 3.** Section 4-68-195 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**4-68-195 Impoundment of vehicle – Notification of owner – Penalty.**

(a) The owner of record of any motor vehicle that is used in violation of Section 4-68-020 shall be liable to the eCity for an administrative penalty of \$500-~~00~~, plus any towing and storage fees applicable under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection 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 24 hours after the theft was discovered or reasonably should have been discovered.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the eCity or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

~~(c) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**SECTION 4.** Title 7 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**7-24-225 Unlawful drugs in motor vehicle – Impoundment.**

(a) Any motor vehicle that ~~contains any controlled substance, as defined in the Illinois Controlled Substances Act, or that~~ is used in connection with the purchase or attempt to purchase, or sale or attempt to sell, any ~~such~~ controlled substance, as defined in the Illinois Controlled Substances Act, shall be subject to seizure and impoundment pursuant to this section.

(b) Any motor vehicle that is used in connection with the unlawful purchase or unlawful attempt to purchase, or unlawful sale or unlawful attempt to sell, cannabis may be subject to seizure and impoundment pursuant to this section.

(c) The owner of record of any motor vehicle that is seized and impounded pursuant to this section shall be liable to the City for an administrative penalty of ~~\$2,000.00~~ \$1,000, plus towing and storage fees. ~~Provided, however, that if the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the administrative penalty shall be \$3,000.00, plus towing and storage fees.~~

(d) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the ~~e~~City or its agent. ~~When~~ Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(e) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

#### **7-24-226 Driving while intoxicated – Impoundment.**

(a) No person shall drive or be in actual physical control of any vehicle within the City of Chicago while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined and prohibited by 625 ILCS 5/11-501, as amended.

(b) Any vehicle used in a violation of subsection (a) of this section shall be subject to seizure and impoundment pursuant to this section. The owner of record of such vehicle shall be liable to the city for an administrative penalty of ~~\$2,000~~ \$1,000 in addition to fees for the towing and storage of the vehicle as provided in Section 9-92-080. ~~If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees.~~

(c) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the ~~e~~City or its agents. ~~When~~ Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(d) ~~The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**7-38-115 Operational requirements.**

*(Omitted text is not affected by this ordinance)*

(i) Any person who violates or resists the enforcement of subsection (c-5) of this section shall be fined as provided in section 7-38-128 of this Code for each violation. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the Department of Health shall not constitute separate offenses if the violation was found to be corrected upon reinspection. A motor vehicle that is used in a second or subsequent violation of subsection (c-5) of this section shall be subject to seizure and impoundment under this subsection (i). The owner of record of such vehicle shall be liable to the ~~c~~City for an administrative penalty of \$750.00 in addition to fees for towing and storage of the vehicle as provided in Section 9-92-080. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the ~~e~~City or its agents. ~~When~~ Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report. ~~The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section. A violation of any provision of this section other than subsection (c-5) shall be punishable under Section 7-38-575.~~

*(Omitted text is not affected by this ordinance)*

**SECTION 5.** Title 8 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**8-4-130 Possession of etching materials, paint or marker unlawful.**

*(Omitted text is not affected by this ordinance)*

(e) Any person who violates any provision of this section shall be subject to a fine of not less than \$500 and not more than \$1,500 for each offense.

~~(f) A motor vehicle that is used in the violation of subsection (c) of this section shall be subject to seizure and impoundment under this subsection (f). The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$1,000 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this~~

~~Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**8-8-060 Solicitation for prostitution.**

*(Omitted text is not affected by this ordinance)*

(e) Penalties.

(1) A person who violates Section 8-8-060(b) shall be fined not less than \$50.00 nor more than \$1,500.00, or imprisoned for a period of not more than six months, or both fined and imprisoned, for each offense. In addition to or instead of the foregoing penalties, the corporation counsel shall request that a violator be required to perform up to 120 hours of community service.

(2) A person who violates Section 8-8-060(c) or 8-8-060(d) shall be fined not less than \$1,000.00 nor more than \$1,750.00, for the first offense and be fined not less than \$1,750.00 nor more than \$3,000.00 for each subsequent offense and may be imprisoned for a period of not more than six months. In addition to the foregoing penalties, the corporation counsel shall request that each violator be required to perform up to 120 hours of community service.

~~(A) A The operator of any motor vehicle that is used in the violation of this section, or in the commission of prostitution, solicitation of a sexual act, promoting prostitution, soliciting for a juvenile prostitute patronizing a prostitute as defined in Section 11-18 of the Criminal Code of 2012, or patronizing a juvenile prostitute minor engaged in prostitution as defined in Section 11-18.1 of such code, shall be subject to seizure and impoundment under this subsection. The the owner of record of such vehicle shall be liable to the City for an administrative penalty of \$1,000 \$2,000.00 in addition to fees for the towing and storage of the vehicle. If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees.~~

~~(B) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. When the vehicle is towed, the police officer shall notify the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

~~(C) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**8-20-070 Unlawful firearm, laser sight accessory, or firearm silencer or muffler in a motor vehicle – Impoundment.**

(a) The owner of record of any motor vehicle that contains an assault weapon, a laser sight accessory, or a firearm silencer or muffler, shall be liable to the eCity for an administrative penalty of ~~\$2,000~~ \$1,000 plus any towing and storage fees applicable under Section 9-92-080. ~~If the violation takes place within 500 feet of the boundary line of a public park or elementary or secondary school, the penalty shall be \$3,000 plus towing and storage fees.~~ Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing

of the vehicle to a facility controlled by the eCity or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(c) ~~The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**SECTION 6.** Title 9 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**9-12-090 Drag racing.**

No person who operates a motor vehicle shall engage in drag racing, as defined in Section 9-4-010, on any street, highway or other public way within the City. In addition to any other penalty provided by law, any person who violates this section shall be subject to a fine of not less than \$5,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

The owner of record of the motor vehicle used in the violation of this section shall be subject an administrative penalty of \$500 plus any towing and storage fees applicable under Section 9-92-080. Any such ~~Any person who, as an operator of a motor vehicle, is a participant in drag racing shall be subject to vehicle seizure and impoundment under Section 2-14-132 pursuant to this section.~~

~~The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

~~Any person who violates this section shall be subject an administrative penalty of \$1,000.00, in addition to applicable towing and storage fees.~~

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

**9-32-040 Reckless driving at, or interfering with, a funeral procession — Impoundment.**

(a) ~~The owner of record of operator~~ any motor vehicle that is used in the commission of reckless driving or aggravated reckless driving as defined in Section 11-503 of the Illinois Vehicle Code, codified at 625 ILCS 5/11-503, while the vehicle is part of a funeral procession or in a manner that interferes with a funeral procession shall be liable to the eCity for an administrative

penalty of not less than \$500.00 and not more than \$750.00, ~~plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.~~

~~(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agent. When the vehicle is towed, 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

~~(c) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

#### **9-48-100 Neighborhood electric vehicles.**

*(Omitted text is not affected by this ordinance)*

(g) The department of police shall have the authority to impound a neighborhood electric vehicles for such violations of this Code which specify vehicle impoundment as a consequence of such violation. ~~When~~ Before or at the time a neighborhood electric vehicle is impounded, the City shall notify ~~the owner~~ any person identifying himself as the owner of the neighborhood electric vehicle at the time of the alleged violation or any person who is found to be in control of the neighborhood electric vehicle at the time of the alleged violation, if there is such a person, of the fact of the impoundment and the neighborhood electric vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report. ~~If the owner or other person in control of the neighborhood electric vehicle cannot be found, the City shall publish such notice one day a week for two consecutive weeks in a newspaper of general circulation. The provisions of Section 2-14-132 shall apply whenever a neighborhood electric vehicle is impounded pursuant to this section, provided.~~

*(Omitted text is not affected by this ordinance)*

#### **9-76-145 Broadcast or recorded sound restrictions.**

*(Omitted text is not affected by this ordinance)*

(b) Any person who violates this section shall be subject to a fine of \$50.00 for a first offense, \$100.00 for a second offense committed within a one-year period, and \$500.00 for a third or subsequent offense committed within a one-year period.

~~(c) (1) A motor vehicle that is used in the violation of subsection (a) of this section shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of not less than \$500.00 and not more than \$750.00 in addition to fees for the towing and storage of the vehicle.~~

~~(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing~~

~~of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

~~(3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**9-80-220 False, stolen or altered temporary registration permits.**

~~No person shall operate or park on the public way any vehicle bearing a false, stolen or altered state temporary registration permit. A vehicle operated or parked in violation of this section is subject to immediate impoundment. The owner of record operator of such vehicle shall be liable to the eCity for an administrative penalty of \$1,000 \$500 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. If the vehicle is unattended, notice shall be sent to the owner of record of the vehicle, at the address indicated in the last valid registration of the vehicle.~~

~~The notice provisions of subsection (b) of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**9-80-225 Display of false, stolen or altered disability parking device; failure to display; failure to cooperate.**

*(Omitted text is not affected by this ordinance)*

~~(c) A vehicle parked in violation of subsection (a) of this section or that subjects the owner to a fine under subsection (b) of this section may be subject to immediate seizure and impoundment pursuant to this section. In such case the owner of record of such vehicle shall be liable to the city for an administrative penalty of not less than \$1,500.00 nor more than \$3,000.00 in addition to fees applicable under Section 9-92-080 for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer ~~shall~~ may provide for the towing of the vehicle to a facility controlled by the eCity or its agents. ~~When~~ If the police officer provides for the towing of the vehicle, before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report. If the vehicle is unattended, notice shall be sent to the owner of record of the vehicle, at the address indicated in the last valid registration of the vehicle. ~~The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~~~

*(Omitted text is not affected by this ordinance)*

**9-80-240 Driving with a suspended or revoked license – Impoundment.**

(a) (1) Except as otherwise provided in subsection (a)(2) of this Section, The the owner of record of any motor vehicle that is operated by a person with a suspended or revoked driver's license shall be liable to the eCity for an administrative penalty of \$1,000 \$500 plus any applicable towing and storage fees under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

(2) Subsection (a)(1) shall not apply if the motor vehicle is operated by a person whose driver's license is suspended because of

- (i) failure to pay any fine due and owing for any one or more of the following: parking, standing, compliance, automated speed enforcement system, or automated traffic law enforcement system violations; or
- (ii) failure to comply with emission testing.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the eCity or its agent. When Before or at the time the vehicle is towed, 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 person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(c) ~~The provisions of~~ Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

**9-92-035 Authority to impound fleeing vehicle.**

(a) A motor vehicle involved in an unlawful attempt to flee or elude police officers shall be subject to impoundment under the procedures of this section.

*(Omitted text is not affected by this ordinance)*

(d) The ~~police d~~Department of Police shall send a notice of intent to impound the vehicle described in the police officer's report to the owner of record of the vehicle. The notice shall be sent either by first class mail or by messenger to the address of the owner of record as indicated in state registration records. The notice shall include the following: a statement that the operator of the vehicle failed or refused to stop when ordered to do so by a Chicago police officer; the date, approximate time and approximate location of the event, the description of the vehicle as contained in the officer's report; and notice of an opportunity to contest eligibility for impoundment. A copy of the notice shall be forwarded to the department of administrative hearings. A notice is presumed delivered upon being deposited with the United States Postal Service with proper postage affixed.

*(Omitted text is not affected by this ordinance)*

(f) If a vehicle owner receives a notice pursuant to subsection (d) of this section and (1) fails to contest eligibility under subsection (e) of this section or (2) does not prevail in the contest of eligibility, the vehicle described in the notice shall be eligible for impoundment if found on the public way within 12 months following the conclusion of the contest, if a contest was requested, or following the last date to request a contest, if none was requested. Provided, however, if the owner of the vehicle that is eligible for impoundment under this subsection pays the administrative penalty provided in subsection (g) any time before such vehicle is impounded, the vehicle shall not be eligible for impoundment.

(g) The owner of a vehicle ~~impounded~~ eligible for impoundment under this section shall be subject to an administrative penalty of \$2,000. If such vehicle is impounded, the owner of the vehicle shall be subject to the administrative penalty plus the applicable cost of towing and storage of the vehicle under Section 9-92-080.

### **9-92-080 Release procedure for impounded vehicles.**

(a) Unless a vehicle is held pursuant to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle, the owner or other person entitled to possession of a vehicle impounded pursuant to Section 9-92-030 may obtain immediate release of the vehicle by paying the full amount of the applicable towing and storage fees, as provided in subsection (b), plus all amounts due for outstanding final determinations of parking, standing, compliance, automated traffic law enforcement system or automated speed enforcement system violations incurred by the owner, including all related collection costs and attorney's fees authorized under Section 1-19-020. Regardless of whether the owner or other person entitled to possession obtains immediate release of the vehicle through making full payment, such person may request a hearing before the department of administrative hearings to be held in accordance with Section 2-14-135 of this Code.

(b) The owner or other person entitled to possession of a vehicle lawfully impounded pursuant to Section 9-92-030 or Section 9-100-120 shall pay a fee of \$150.00, or \$250.00 if the vehicle has a gross weight of 8,000 pounds or more, to cover the cost of the towing and a fee of ~~\$20.00~~ \$25 per day ~~for the first five days and \$35.00 per day thereafter,~~ or ~~\$60.00~~ \$50 per day ~~for the first five days and \$100.00 per day thereafter~~ if the vehicle has a gross weight of 8,000 pounds or more, to cover the cost of storage, provided that:

(i) no fees shall be assessed for any tow or storage with respect to a tow which has been determined to be erroneous;

(ii) with respect to a vehicle that is held pursuant to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle:

(A) no storage fee shall be charged during the continued impoundment of the vehicle if such vehicle cannot be released or is not released to the owner because of such law, order or warrant; and

(B) only storage fee assessed by the court that authorized the continued impoundment of the vehicle shall be charged if such court orders the release of the vehicle to the owner;

(iii) except as otherwise provided in this subsection, no more than \$1,000 shall be charged to cover the cost of storage per vehicle, regardless of the size of the vehicle or the duration of the storage; and

(iv) no more than a one-day storage fee shall be charged to cover cost of storage per vehicle, if the vehicle is disposed of pursuant to Section 9-92-100.

(c) A lienholder asserting its right to possession of an impounded vehicle pursuant to its conditional sales agreement may obtain immediate release of such vehicle by: (1) paying the applicable towing and storage fees provided in subsection (b) of this section and agreeing in writing to refund to the eCity the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of any outstanding penalties imposed under subsection (a); (2) submitting a copy of the conditional sales agreement and title certificate; (3) submitting an affidavit stating that the purchaser is in default of the agreement; and (4) submitting an indemnification certificate executed by an authorized agent of the lienholder.

(d) The requirements of subsection (a) shall apply to a lessor referred to in Section 2-14-132 (i) of this Code only to the extent of such outstanding final determinations of parking, standing or compliance, automated traffic law enforcement system or automated speed enforcement system violations for which the lessor is legally liable with respect to such impounded vehicle.

(e) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the eCity without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the eCity eClerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Chapter 3-56 of this Code.

(f) Any vehicle impounded by the City or its designee shall be subject to a possessory lien in favor of the City in the amount required to obtain release of the vehicle.

(g) Notwithstanding any provision of this Code to the contrary and notwithstanding the fact that the vehicle is included in an immobilization list pursuant to Section 9-100-120, the owner or other person entitled to possession of a vehicle impounded pursuant to Section 9-92-030 shall not be subject to any penalty or fee associated with the impoundment and may obtain immediate release of the vehicle if the City nonsuits or an administrative law officer dismisses all of the alleged offenses for which the vehicle was impounded.

#### **9-112-640 Impoundment of unlicensed vehicle.**

(a) The owner of record of any motor vehicle that is used for the transportation or the solicitation for the transportation of passengers for hire in violation of Section 9-112-020 shall be liable to the eCity for an administrative penalty of \$2,000.00 plus any towing and storage fees applicable under Section 9-92-080. Any ~~taxi cab or public passenger~~ such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection 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 24 hours after the theft was discovered or reasonably should have been discovered.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing

of the vehicle to a facility controlled by the eCity or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or any person who is found to be in control of the vehicle at the time of the alleged violations, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(c) ~~The provisions of~~ Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

#### **9-114-420 Impoundment of vehicle – Notification of owner – Penalty.**

(a) The owner of record of any motor vehicle that is used for the transportation or the solicitation for the transportation of passengers for hire in violation of Section 9-114-020 shall be liable to the eCity for an administrative penalty of \$2,000.00 plus any towing and storage fees applicable under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection 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 24 hours after the theft was discovered or reasonably should have been discovered.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the eCity or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or any person who is found to be in control of the vehicle at the time of the alleged violations, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(c) ~~The provisions of~~ Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

#### **9-115-240 Impoundment of vehicle – Notification of owner – Penalty.**

(a) In addition to any other applicable penalty, the owner of record of any motor vehicle that is used for the transportation or the solicitation for the transportation of passengers for compensation in violation of section 9-115-020 shall be liable to the eCity for an administrative penalty of \$2,000.00 plus any towing and storage fees applicable under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection 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 24 hours after the theft was discovered or reasonably should have been discovered.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the eCity or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or any person who is found to be in control of the vehicle at the time of the alleged violations, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(c) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

**SECTION 7.** Section 10-8-480 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**10-8-480 Casting refuse and liquids.**

(a) It shall be unlawful for any person, in person or by his agent, employee or servant to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the eCity, or in or upon the waters of Lake Michigan, or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the eCity, any kind of litter. Nor shall any person cast, throw, sweep, sift or deposit any litter anywhere within the jurisdiction of the eCity in such manner that it may be carried or deposited, in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

(b) For purposes of this section, the term "litter" includes but is not limited to the following: (1) picnic or eating utensils, such as paper plates, cups, napkins, towels, plastic utensils, metal foil, cellophane, wax paper, paper bags, or any food wrappings; (2) liquid or beverage containers such as beer, soft-drink, and juice cans, beer, soft-drink, liquor and wine bottles, and milk or juice cartons; (3) tobacco and confection wrappers, such as cigarette packages, candy, ice cream, popsicle, gum or any other type of dessert or confection wrapping or container; (4) food wastes, such as fruit or vegetable peelings, pulp, rinds, leftovers or any other type of table wastes; (5) newspapers, books, placards, handbills, pamphlets, circulars, notices or papers of any type; (6) or any other type of rubbish, garbage, refuse matter, article, thing or substance such as discarded clothing, boxes, dust, manure or ashes.

(c) [Reserved] ~~(1) Any person 17 years of age or older who throws litter upon a public way from a moving, standing or parked vehicle shall be fined as provided in subsection (e) of this section.~~

~~(2) In addition to a fine imposed pursuant to subsection (e) of this section, a motor vehicle that is used in the violation of this subsection (c) may be seized and impounded pursuant to this subsection (e).~~

~~(3) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection (c) and rules adopted by the superintendent of police, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

~~(4) Section 2-14-132 of this Code shall apply whenever a motor vehicle is seized and impounded pursuant to this subsection (e).~~

(d) Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the eCity; or to goods, wares, or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two hours after being so deposited; or to articles or things deposited in or

conducted into the eCity sewer system through lawful drains in accordance with the ordinances of the eCity relating thereto.

(e) Any person violating this section shall be fined not less than \$150.00 nor more than \$1,500.00 for each offense.

**SECTION 8.** Sections 11-4-1460 and 11-4-1600 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**11-4-1460 Enforcement.**

*(Omitted text is not affected by this ordinance)*

(f) (1) In addition to any other penalty imposed in this section, the owner of record of any motor vehicle used in violation of Section 11-4-1410 shall be liable to the eCity for an administrative penalty of \$500.00 plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the eCity or its agent. ~~When~~ Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(3) ~~The provisions of~~ Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

(g) The eCity may obtain permanent or temporary injunctive relief in the Circuit Court of Cook County, Illinois, for any violation of Sections 11-4-1410 through 11-4-1450.

**11-4-1600 Violation of Section 7-28-390, 7-28-440, or 11-4-1500 – Penalty.**

*(Omitted text is not affected by this ordinance)*

(f) ~~[Reserved]~~ (1) ~~In addition to any other penalty imposed in this section, the owner of record of any motor vehicle used in violation of Section 7-28-390, 7-28-440, or 11-4-1500 shall be liable to the City for an administrative penalty of \$500.00 plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.~~

~~(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agent. When the vehicle is towed, 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 the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code.~~

~~(3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

(g) The City may obtain permanent or temporary injunctive relief in the Circuit Court of Cook County, Illinois, for any violation of Section 7-28-390, 7-28-440, or 11-4-1500.

**SECTION 9.** Sections 15-20-220 and 15-20-270 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**15-20-220 Prohibitions.**

No person shall have, keep, store, use, manufacture, assemble, mix, sell, handle or transport any fireworks; provided, however, that nothing in this chapter shall be held to apply to the possession or use of signaling devices for current daily consumption by railroads, vessels and others requiring them or to the possession, sale or use of normal stocks of flashlight compositions by photographers or dealers in photographic supplies; and provided further, that the fire eCommissioner may issue permits for the display of fireworks as hereinafter provided.

**15-20-270 Unlawful fireworks in motor vehicle—Impoundment [Reserved].**

~~(a) The owner of record of any motor vehicle that contains any illegal fireworks shall be liable to the city for an administrative penalty of \$500.00 plus any towing and storage fees applicable under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection shall not apply: (1) if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; (2) if the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; (3) if the owner proves that the presence of the fireworks was permissible pursuant to Section 15-20-250; or (4) if the only illegal fireworks present in the vehicle are sparklers.~~

~~(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is towed, 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, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code.~~

~~(c) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.~~

**SECTION 10.**

(a) For purposes of this SECTION 10, the following definitions shall apply:

“Applicant” means the owner of an impounded vehicle, or other person authorized by agreement with the owner or operation of law to retrieve an impounded vehicle, and who applies for the release of an impounded vehicle in accordance with this SECTION 10.

"Code" means the Municipal Code of Chicago.

"Commissioner" means the City's Commissioner of Streets and Sanitation.

- (b) The Commissioner is authorized to undertake an impounded vehicle release program, whereby certain impounded vehicles may be released to an applicant in accordance with this SECTION.
- (c) An impounded vehicle may be released to an applicant under this SECTION 10 if all of the following requirements are met:
  - (1) The vehicle is impounded pursuant to Section 9-80-240 of the Code because it was operated by a person whose driver's license is suspended for:
    - (i) failure to pay any fine due and owing for any one or more of the following: parking, standing, compliance, automated speed enforcement system, or automated traffic law enforcement system violations; or
    - (ii) failure to comply with emission testing.
  - (2) The vehicle is not disposed of by the City pursuant to Section 9-92-100 of the Code, and it is still held in the City's automobile pound at the time the Applicant requests the release of the vehicle pursuant to subsection (b)(3) of this SECTION 10;
  - (3) The Applicant requests the release of the vehicle within a timeframe and manner established by the Commissioner;
  - (4) The impounded vehicle is not subject to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle; and
  - (5) The applicant is in compliance with legal requirements for operating the impounded vehicle on the public way, including compliance with a state registration plate, a liability insurance policy, and, if applicable, a City of Chicago wheel tax license emblem.
- (d) Notwithstanding any other provision of the Code, the Applicant shall not be required to pay an administrative penalty, or any towing or storage fees for the release of an impounded vehicle under this SECTION 10.
- (e) The Commissioner is authorized to adopt rules consistent with this SECTION 10 for the implementation of the impounded vehicle release program created by this SECTION 10.

**SECTION 11.** This ordinance shall take effect 10 days after its passage and publication.