

160241

VILLAGE OF LOMBARD POLICE DEPARTMENT



Raymond Byrne
Chief of Police

Thomas Wirsing
Deputy Chief of Operations

Roy Newton
Deputy Chief of Administrative Services

TO: Deputy Chief Wirsing

FROM: Sgt. Joe Grage #754

DATE: 04/29/2016

SUBJECT: Modification to Vehicle Immobilization Ordinance 72.04 (B)(4)

As you know, our personnel have been immobilizing vehicles of persons who are on the vehicle immobilization list per chapter 72 of the Village of Lombard Code of Ordinances.

The vast majority of the people coming in to have the vehicle immobilization device removed from their vehicles have done so using section 72.04 (B)(4), which reads as follows:

"Pay fifteen dollars (\$15.00) per outstanding complaint/unpaid final determinations of vehicular regulation violation liability, and sign an installment agreement to pay the remainder of the amount owed over a period of time. Each payment made under the installment agreement will be applied to the total amount due and no one (1) or more outstanding complaint(s)/unpaid final determination(s) of vehicular regulation violation liability, shall be considered paid until the entire amount due for all outstanding complaints/unpaid final determinations of vehicular regulation violation liability, is paid. If payments are not made as required in the installment agreement, the agreement shall become void, the motor vehicle shall be subject to reimmobilization and the original amount due (less any amount paid) plus additional charges for re-immobilization shall become due. No further option under this subsection (B)(4) shall be available;"

Unfortunately, this section of the vehicle immobilization ordinance is flawed in the following ways:

villageoflombard.org/lpd
630 / 873-4400 TDD: 630 / 620-5811
DEPT. FAX: 630 873.4496 INVESTIGATIONS FAX: 630 873.4444
235 E. Wilson Avenue Lombard, Illinois 60148

1. The ordinance does not state how long the violator has to sign the installment agreement.
2. The ordinance does not state what will occur if the violator never signs the installment agreement. (see Fig.1)

The first flaw in the ordinance has resulted in the Police Department adopting a 24 hour time frame for violators to sign the installment after paying \$15.00 per ticket to have the vehicle immobilization device removed. This time period may be unrealistic and creates problems because not all records personnel are able to or authorized to arrange the payment installment agreement for violators to sign.

In the case of the second flaw, at least two of the violators have paid \$15 per outstanding ticket, had the vehicle immobilization device removed, and then never contacted the Police Department to arrange a payment installment agreement. While the ordinance gives direction in the case of violators who default on an installment agreement, it fails to establish what should be done if the violator never signs a payment installment agreement. This failure in the ordinance allows violators to simply pay \$15 per outstanding ticket and continue to ignore the rest of their debt to the Village without repercussions.

Based upon this, I am recommending the following changes section 72.04 (B)(4) of the ordinance:

*"Pay fifteen dollars (\$15.00) per outstanding complaint/unpaid final determinations of vehicular regulation violation liability, and **within 72 hours** sign an installment agreement to pay the remainder of the amount owed over a period of time. **If an installment agreement is not signed within 72 hours, the motor vehicle shall be subject to reimmobilization and the original amount (less any amount paid) shall be due. No further option under this subsection (B)(4) shall be available.** Each payment made under **an executed** installment agreement will be applied to the total amount due and no one (1) or more outstanding complaint(s)/unpaid final determination(s) of vehicular regulation violation liability, shall be considered paid until the entire amount due for all outstanding complaints/unpaid final determinations of vehicular regulation violation liability, is paid. If payments are not made as required in the installment agreement, the agreement shall become void, the motor vehicle shall be subject to reimmobilization and the original amount due (less any amount paid) plus additional charges for re-immobilization shall become due. No further option under this subsection (B)(4) shall be available;"*

The addition of this language in the ordinance will provide time period that is both reasonable and defined for violations to sign an installment agreement to pay the remainder of their fines. It will also provide clear direction and consequences if a violator pays the minimum amount (\$15.00 per outstanding violation) and fails to sign an installment agreement for the remainder of their fines.

Fig.1

