

08390

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue)  Waiver of First Requested  
Recommendations of Board, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Dave Hulseberg, Village Manager *delv*

DATE: June 11, 2008 (BOT) Date: June 19, 2008

TITLE: An Ordinance Amending Title 7, Chapter 72 of the Lombard Village Code regarding the Immobilization of Motor Vehicles.

SUBMITTED BY: Pat Rollins, Deputy Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

The Lombard Police Department is requesting authorization in reducing the number of violations which can result in vehicle immobilization (booting cars) from (5) down to three (3). Chapter 72's amended language also cleans up verbaige so that it supports the Administrative Adjudication of Vehicular Regulations depicted in Chapter 73.

FISCAL IMPACT/FUNDING SOURCE: N/A.

Review (as necessary):

Finance Director X *Timothy Johnston*  
Village Manager X *Dave Hulseberg*

Date: 6/12/08  
Date: 6/13/08


NOTE: All materials must be submitted to and approved by the Village Manager's office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



# Memorandum



**To:** David A. Hulseberg, Village Manager

**From:** Pat Rollins, Deputy Chief of Police  


**Date:** 6/13/2008

**Subject:** Amending three village ordinances regarding booting of vehicles and cleaning up verbiage cross referencing the Administrative Adjudication process.

**Background:** This memorandum provides background and a recommendation to modify our booting of vehicles policy from five (5) to three (3) violations.

Our existing ordinance allows us to immobilize vehicles after five (5) or more unpaid violations. Booting of vehicles for violators that accumulate five or more violations is an effective tool in combating parking scofflaws. Since April of this year we began utilizing the Administrative Adjudication process. This new process has been very advantageous to the violators and to the village. Established by law, a violator has a right to two court hearings to appear if they missed their first hearing in order to present their case. The village has streamlined the adjudication process and provided a forum for citizens to be fairly heard.

The time frame from when a ticket is issued to when a violator first appears in our local adjudication court is over 14 days if elected by the violator. If the person does not show at the first hearing a notice is sent to appear at the next hearing approximately 14 days later. If the violator does not appear, the administrative law judge could find the violator liable on the offense. A final judgment notice is sent to the violator. The violator now has 35 days to appeal the decision in the circuit court. To get one ticket through the entire process it could take up to two months per violation if no action is taken by the violator. Most individuals comply with the final orders; however we along with all communities have scofflaws. If this is stretched out by the violator at a rate of one ticket every other month, we are not able to take booting action under our current system for well over a year. Other required notices go out to the violator giving them more time to come into compliance before you can immobilize their vehicle. At any given time we have approximately 20 individuals on the "boot list". This requested reduction in number of offenses from five down to three may increase the size of the list; however staff

June 13, 2008

believes it can increase the compliance by timely dealing with the scofflaws whom may be transient in our community before moving on and those that live in our community that disregard the law.

**Recommendation:** Staff recommends in order to better address the scofflaws, we need to shorten the number of violations under our current ordinance from five (5) down to three (3). The attached amended ordinances are recommended by staff to efficiently go after the scofflaws and clean up language in various chapters to reflect the administrative adjudication program. (Cross referencing of the various sections in the Chapters)

Waiver of first reading is requested due to the village board's summer meeting schedule.

encs.

If there are any questions, please feel free to call.

Said Ordinances reduce the number of violations which can result in vehicle immobilization from five (5) to three (3), and clean up Chapter 72 to cross reference all of the administrative adjudication violations (parking, vehicle sticker and equipment violations).

AN ORDINANCE AMENDING TITLE 7, CHAPTER 72 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE IMMOBILIZATION OF MOTOR VEHICLES  
AN ORDINANCE AMENDING TITLE 7, CHAPTER 73 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE ADMINISTRATIVE ADJUDICATION OF VEHICULAR REGULATION VIOLATIONS

Per your request, attached please find the following two (2) revised Ordinances relative to the above-captioned matter:

To: Pat Rollins, Deputy Chief of Police, Village of Lombard  
From: Tom Bayer, Village Attorney  
Date: May 14, 2008  
Subject: Administrative Adjudication and Vehicle Immobilization – Parking Violations  
Via e-mail only

MEMORANDUM

20 N. Wacker Drive, Ste 1660  
Chicago, Illinois 60606-2903  
T 312 984 6400 F 312 984 6444  
15010 S. Ravinia Avenue, Ste 10  
Orland Park, Illinois 60462-5353  
T 708 349 3888 F 708 349 1506  
www.ktjlaw.com





Code is amended to read in its entirety as follows:

**SECTION 2:** That Title 7, Chapter 72, Section 72.03 of the Lombard Village

(C) Notwithstanding subsections (B)(1) or (B)(2) above, a vehicle shall be eligible for immobilization only if the registered owner of said motor vehicle has received notice of eligibility for immobilization under the procedures listed in Section 72.02 below.”

(2) The registered owner of the motor vehicle has accumulated three (3) or more unpaid final determinations of vehicular regulation violation liability pursuant to Chapter 73 of this Code.

(1) The registered owner of the motor vehicle has accumulated three (3) or more complaints pursuant to Article XIII of the Lombard Traffic Code (Ordinance No. 1186, as amended) which are not adjudicated, for which no payment has been made, or for which no appearance has been filed within the time specified by the parking violation complaints; or

(B) A vehicle shall be eligible for immobilization under the following criteria:

(A) A program of vehicle immobilization shall be instituted and implemented through the office of the Chief of Police of the Village, whereby eligible vehicles shall be immobilized by the placement of a restraint in a manner such as to prevent their operation.

**“§ 72.01 THE PROGRAM.**

Code is amended to read in its entirety as follows:

**SECTION 1:** That Title 7, Chapter 72, Section 72.01 of the Lombard Village

Lombard, DuPage County, Illinois, as follows:

BE IT ORDAINED by the President and Board of Trustees of the Village of

**AN ORDINANCE AMENDING  
TITLE 7, CHAPTER 72 OF THE LOMBARD VILLAGE CODE  
IN REGARD TO THE IMMOBILIZATION OF MOTOR VEHICLES**

ORDINANCE NO. \_\_\_\_\_

**“§ 72.03 CHALLENGING VALIDITY OF IMMOBILIZATION NOTICE.**

A challenge of the validity of the notice of eligibility for immobilization must be made in person to the Chief of Police, or his/her designee, only based upon grounds which would conclusively disprove liability, such as:

(A) The person was not the owner or lessee of the motor vehicle on the date or dates the complaints/administrative adjudication citations were issued; or

(B) The fines or penalties for the violations cited were paid; or

(C) The registered owner has not accumulated three (3) or more parking violation complaints which are unpaid, not adjudicated, or for which no appearance has been filed; or

(D) The registered owner has not accumulated three (3) or more unpaid final determinations of vehicular regulation violation liability pursuant to Chapter 73 of this Code.”

**SECTION 3:** That Title 7, Chapter 72, Section 72.04(B)(1) of the Lombard Village Code is amended by revising the reference to “complaints,” as contained therein, to read, “complaints/unpaid final determinations of vehicular regulation violation liability,

relative to vehicular parking violations;”

**SECTION 4:** That Title 7, Chapter 72, Sections 72.04(B)(2) and 72.04(B)(3) of the Lombard Village Code are amended by adding the following to the beginning thereof:

“Except in the case of unpaid final determinations of vehicular regulation violation liability, ”

**SECTION 5:** That Title 7, Chapter 72, Section 72.04(B)(4) of the Lombard Village Code is amended as follows:

A. By revising the references to “complaints,” as contained therein, to read, “complaints/unpaid final determinations of vehicular regulation violation liability, ”



B. By revising the reference to "complaint(s)" to read, "complaint(s)/unpaid final determination(s) of vehicular regulation violation liability,"

**SECTION 6:** That this Ordinance shall be in full force and effect from and after its

passage, approval and publication in pamphlet form as provided by law.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_, 2008.

PASSED on second reading this \_\_\_\_\_ day of \_\_\_\_\_,

2008.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Brigitte O'Brien, Village Clerk