

ORDINANCE NO. 6202

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

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 7, Chapter 72, Section 72.01 of the Lombard Village Code is amended to read in its entirety as follows:

“§ 72.01 THE PROGRAM.

(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.

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

(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

(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.

(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.”

SECTION 2: That Title 7, Chapter 72, Section 72.03 of the Lombard Village Code is amended to read in its entirety as follows:

“§ 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 19th day of June, 2008.

Passed on second reading this 19th day of June, 2008, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick & Soderstrom

NAYS: None

ABSENT: None

APPROVED by me this 19th day of June, 2008.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 24th day of June, 2008.


Brigitte O'Brien, Village