

4/3/97
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49-O-97

AN ORDINANCE

Amending Various Sections of Chapters 6, 8, and 11 of Title 10
of the Evanston City Code, 1979, Pertaining to Wheel Tax Violations
and Motor Vehicle Immobilization

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON,
COOK COUNTY, ILLINOIS:

SECTION 1: That Section 10-6-14 of the Evanston City Code, 1979, as amended, be further amended to read as follows:

10-6-14: **AUTHORITY TO IMMOBILIZE VEHICLES:** The Chief of Police or his or her designee is hereby authorized to immobilize in such a manner as to prevent its operation, a motor vehicle parked upon a public way or public place or a vehicle parked upon private property without consent, if there are five (5) or more outstanding or otherwise unsettled parking violation notices and/or wheel tax violations pending against the owner of such motor vehicle. Motor vehicles on private property shall be booted only with the prior consent of the owner, agent or proprietor in charge of the property, obtained in writing in such form and manner as may be prescribed by the Police Department.

SECTION 2: That Section 10-6-15 of the Evanston City Code, 1979, as amended, be further amended to read as follows:

10-6-15: **NOTICE PRIOR TO IMMOBILIZATION:** Upon accumulation of five (5) or more outstanding or otherwise unsettled parking violation notices and/or wheel tax violation notices, a notice shall be sent by regular mail to the owner of such vehicle or placed on the owner's vehicle when the owner cannot be reached by mail. Such notice shall indicate that the owner's vehicle is subject to being immobilized unless the owner of said vehicle, within thirty (30) days of the date of notice:

- (A) Deposits the collateral described in subsection 10-6-18(A) and requests an appearance in the Circuit Court to answer for each violation; or
- (B) Pays the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled parking violation and/or wheel tax violation.

SECTION 3: That Section 10-6-18 of the Evanston City Code, 1979, as amended, be further amended to read as follows:

10-6-18: **RELEASE OF VEHICLE:** The owner of such immobilized vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon:

- (A) Depositing, as collateral for his or her appearance in the Circuit Court to answer for each violation, fifty percent (50%) of the total fines and penalties for all violations for which there are outstanding or otherwise unsettled parking violation notices and/or wheel tax violations; or
- (B) Depositing the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled parking violation notice and/or wheel tax violation; and
- (C) The payment of the fees as required by Section 10-6-20 of this Chapter.

SECTION 4: That Section 10-8-1 of the Evanston City Code, 1979, as amended, be further amended to read as follows:

10-8-1: **LICENSE REQUIRED:** It shall be unlawful for any person to use, maintain, store for purposes other than sale, park or operate within the City any motor vehicle registered or required to be registered with the Secretary of State, State of Illinois, to an address within the corporate limits of the City, unless such vehicle is licensed as provided in this Chapter. In addition, vehicles not registered or required to be registered with the Secretary of State to an Evanston address, as provided in the previous sentence, may be licensed as provided in this Chapter if the vehicle operator lives in an "Evanston resident only parking district" as described in subsection 10-4-5-2(C) of this Title.

A violation of the provisions of this Section shall take place when a motor vehicle registered or required to be registered with the Secretary of State to an Evanston address shall not have been licensed, whether or not said vehicle is actually in operation on the streets or public ways of the City. Tickets for violations of this Section shall be considered in connection with the City's authority to immobilize motor vehicles pursuant to Section 10-6-14 of the City Code.

SECTION 5: That Section 10-8-10 of the Evanston City Code, 1979, as amended, be further amended to read as follows:

10-8-10: **PENALTIES:** The penalty for not obtaining and displaying the license according to the provisions of this Chapter shall be \$10.00 plus \$10.00 additional penalty if not paid after the expiration of ten (10) days from the date of issue of each violation plus \$20.00 additional penalty if not paid after the

expiration of thirty (30) days from the date of issue of each violation. Notwithstanding the specified fines applicable to violations herein, the maximum fine to be imposed upon a finding of guilty as to any violation of this Chapter by a court of competent jurisdiction shall not exceed two hundred dollars (\$200.00) for each offense.

SECTION 6: That the Evanston City Code, 1979, as amended, be further amended by adding to Section 10-11-17, Schedule XVII, the following new subsection:

(G) Penalty: \$10.00 plus \$10.00 additional penalty if paid after the expiration of ten (10) days from the date of issue plus \$20.00 additional penalty if not paid after the expiration of thirty (30) days from the date of issue of each violation:

- 1. Parking or operating a vehicle registered or required to be registered in the City of Evanston without obtaining and displaying a valid Evanston Vehicle License (the wheel tax sticker or "City Sticker") 10-8-1

SECTION 7: That ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: April 8, 1997.

Adopted: April 28, 1997.

Approved: April 30, 1997

Lorraine A. Morton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

Hal Leonard F. Benjamin
Corporation Counsel

