

56-O-13

AN ORDINANCE

Amending Subsection 11-2-11(B) of the City Code Regarding Notice of Impending Vehicle Immobilization to Correct Code Reference

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

SECTION 1: Subsection 11-2-11-(B), "Immobilization Program," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(B) When the registered owner of a vehicle has accumulated five (5) or more final determinations of parking and/or compliance violation liability, in any combination, for which the fines and applicable penalties, have not been paid in full, the Administrative Hearings Division Manager shall cause a notice of impending vehicle immobilization to be sent in accordance with Subsection 11-2-5-(F) of this Code. The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of parking and/or compliance violation notices which have resulted in final determination of liability for which fines and/or penalties remain unpaid. Failure to pay the fines and penalties owed within twenty one (21) days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by requesting a hearing and appearing in person to submit evidence which would disprove liability within twenty one (21) days of the date of the notice. Documentary evidence which disproves liability shall be based on the following grounds:

1. That all fines and penalties for the violations cited in the notice have been paid in full; or
2. That the registered owner has not accumulated five (5) or more final determinations of parking violation liability which were unpaid at the time the notice of impending vehicle immobilization was issued.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 24, 2013

Approved:


Adopted: July 8, 2013

July 15, 2013


Ann Rainey, Mayor Pro Tem

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel