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Meeting Date:	11/16/2011
Sponsor(s):	Emanuel, Rahm (Mayor)
Type:	Ordinance
Title:	Amendment of various provisions of Municipal Code regarding misuse of disability plates or placards
Committee(s) Assignment:	Committee on Pedestrian and Traffic Safety



PED +
TRAFFIC

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

November 16, 2011

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of the Mayor's Office for People with Disabilities, I transmit herewith an ordinance amending various provisions of the Municipal Code regarding misuse of disability plates or placards.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

2-14-132 Impoundment.

(1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 9-80-220 or 9-112-555 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-4-130, 8-8-060, 8-20-015, 9-12-090, 9-76-145, 9-80-225, 9-92-035, 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle. If the vehicle is also subject to immobilization for unpaid parking and/or compliance violations, the owner of the vehicle must also pay the amounts due for all such outstanding violations prior to the release of the vehicle. If the administrative law officer determines there is no such probable cause, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle has previously been determined not to be eligible for impoundment under that section, the vehicle will be returned without penalty or other fees.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 9-64-050 of the Municipal Code of Chicago is hereby amended by adding the language underscored as follows:

9-64-050 Parking restrictions – Parking for persons with disabilities.

(a) The commissioner of transportation, subject to the approval of city council, is authorized to erect signs on any residential street in an R1, R2, R3, R4 or R5 district to prohibit parking except by vehicles displaying a person with a disability or disabled veterans state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. The parking administrator is authorized to determine the specific times and days that the restrictions shall be in effect. Fees for the installation and maintenance of signs erected pursuant to this section shall be \$35.00 for erection of the signs and maintenance for the first year; an annual surcharge of \$3.50 per lineal

foot of curb space in excess of 25 feet; and \$12.50 annually for continued maintenance. These fees shall be paid in the same manner as fees charged pursuant to Section 9-68-03 ~~9-68-030~~; provided, however, that the installation and maintenance fee shall be waived by the director of revenue for any person holding a valid, current disabled veterans state registration plate.

(Omitted text is not affected by this ordinance)

(j) It shall be unlawful to park any vehicle in any space designated by signage as a person with a disability parking space or in any parking stall of a private or public parking lot designated by the lot owner or his agent as reserved for person with disability parking, unless the vehicle ~~bears clearly displays valid~~ person with a disability or disabled veteran state registration plates or a valid person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code and, such vehicle is operated by the person to whom the special registration plates, special decal or device was issued or a ~~qualified operator properly licensed driver~~ acting under his the express direction of the person with a disability while the person with a disability is present at the time the parking privileges are being used. It shall be unlawful to park any vehicle on or in which there is displayed an display a stolen, expired, or otherwise invalid person with a disability or disabled veteran state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. In addition, it shall be unlawful to park in a restricted parking space created under subsection (e) of this section unless the vehicle bears clearly displays a valid the decal or other device issued under that subsection, and the vehicle is operated by the permit holder, or by a qualified operator properly licensed driver acting under the express direction of the permit holder while the permit holder is present at the time the parking privileges are being used.

(k) Except as otherwise provided in this section, any motor vehicle bearing a valid person with a disability license plate or a person with disability parking decal or device containing the international symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized as a valid license plate or device and receive the same parking privileges as provided in this section.

SECTION 3. Chapter 9-80 of the Municipal Code of Chicago is hereby amended by adding a new Section 9-80-225 as follows:

9-80-225 Display of false, stolen or altered disability parking device; failure to display; failure to cooperate.

(a) No person shall park on the public way, or park in any space designated by signage as a person with a disability parking space, or in any metered space, or in any parking stall of a private or public parking lot designated by the lot owner or his agent as reserved for person with disability parking, any vehicle displaying a false, fraudulent, fictitious, stolen or altered disability license plate or parking decal or device. Any person who violates this subsection (a) shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense.

(b) The owner of any vehicle that is used in violation of subsection (j) of Section 9-64-050 where such violation occurs in a space on the public way designated by signage as a person with a disability parking space, or in any metered space, is subject to a fine of \$200 for each offense unless: (1) a parking violation notice for the violation has been issued and served under Chapter

9-100; or (2) the vehicle clearly displays a disability license plate or parking decal or device that would have been valid but for the fact that it has expired within the previous 30 days.

(c) A vehicle parked in violation of subsection (a) of this section or that subjects the owner to a fine under subsection (b) of this section may be subject to immediate impoundment. In such case the owner of record of such vehicle shall be liable to the city for an administrative penalty of \$2,000.00 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. If the vehicle is unattended, notice shall be sent to the owner of record of the vehicle, at the address indicated in the last valid registration of the vehicle. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

(d) As used in this section, "disability license plate or parking decal or device" means a license plate or parking decal or device that is issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code, and "permit holder" means the person to whom a disability license plate or parking decal or device has been issued.

SECTION 4. This ordinance shall take effect 10 days after its passage, approval and publication.