



City of Chicago



SO2020-4203

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 9/9/2020

Sponsor(s): Hopkins (2)

Type: Ordinance

Title: Amendment of Municipal Code Sections 2-14-132 and 9-76-140 regarding vehicle impoundment and establishment of fines and penalties for operation of motor vehicles on public ways without exhaust systems or exhaust system components

Committee(s) Assignment: Committee on Pedestrian and Traffic Safety

SUBSTITUTE
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, and by deleting the language struck through, as follows:

2-14-132 Impoundment.

(a) (1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 4-68-195, 4-227-140, 9-76-140, 9-80-220, 9-112-640 or 9-114-420 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), 8-8-060, 8-20-070, 9-12-090, 9-12-100, 9-12-110, 9-32-040, 9-76-160, 9-80-225, 9-80-240, 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.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 9-76-140 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

9-76-140 Exhaust system.

(a) (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(2) No person shall use a muffler cutout, by-pass, straight pipe or similar device upon a motor vehicle on a street, highway or other public way within the City. Any person who violates this subsection (a)(2) shall be subject to a fine of \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(3) No person shall operate any motor vehicle on any public way with any exhaust system or exhaust system component that is not labeled in accordance with Sections 205.158 and 205.169 of Title 40 of the Code of Federal Regulations, indicating that the exhaust system or exhaust system component meets the applicable federal noise emission requirements.

For purposes of this subsection (a), the term "straight pipe" means an exhaust pipe lacking a muffler.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. No person shall operate at any place in the city any vehicle which generates excessive visible emissions of smoke from the exhaust pipe; provided, however, this prohibition shall not include emissions of water or water vapor from the exhaust pipe which is created during cold weather start-up.

(c) The owner of any vehicle that is used in violation of this section may be subject to seizure and impoundment. In such case the owner of record of such vehicle shall be liable to the city for an administrative penalty of \$750.00 in addition to fees applicable under Section 9-92-080 for towing and storage of the vehicle.

(d) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such 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 by serving such person with a copy of the vehicle impoundment seizure report.

(e) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

SECTION 3. This ordinance shall be in full force and effect 10 days after its passage and publication.