



City of Chicago



SO2020-4377

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 9/9/2020

Sponsor(s): Ervin (28)
Dowell (3)
King (4)

Type: Ordinance

Title: Amendment of Municipal Code Sections 7-28-750 and 7-28-780 regarding abandonment of motor vehicles on vacant lots

Committee(s) Assignment: Committee on Budget and Government Operations

SUBSTITUTE
ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution; and

WHEREAS, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, There are thousands of vacant lots in the City of Chicago, and several of such vacant lots are used for illegal dumping of household trash, construction debris, scrap metals, furniture, appliances, and other refuse or garbage; and

WHEREAS, Vacant lots are also often used for disposal of abandoned vehicles, and currently thousands of abandoned vehicles are parked in vacant lots in various parts of the City; and

WHEREAS, Vehicles parked in a vacant lot pose a quality-of-life problem by becoming an eyesore, and symbolizing and contributing to signs of disorder and decay, and by attracting other nuisances like fly-dumping; and

WHEREAS, Vehicles parked in a vacant lot pose a risk to the public health, safety or welfare as they attract criminal activities including vandalism, prostitution, sale of illegal drugs, illegal auto repair and sales activity, and arson; and

WHEREAS, Some parts of vehicles abandoned in vacant lots contain hazardous substances, in addition to gasoline and other fluids, that must be properly disposed of; now, therefore,

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

SECTION 1. Section 7-28-750 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

7-28-750 Screen fence required – Nuisance declared when.

(Omitted text is not affected by this ordinance)

(b) The owner of any open lot located within the City of Chicago shall affix at least one or more signs meeting the requirements of this subsection to any fence required under subsection (a) of this section. Such sign shall: (1) state "No parking. Tow Zone. Vehicles parked in this lot shall be towed per M.C.C. Section 7-28-780"; (2) indicate the name, address and telephone number of the current owner of the open lot; (23) be made of a durable material; (34) contain lettering in a color that contrasts sharply with the background color of the sign; (45) be affixed to the fence in a conspicuous and prominent location so as to be clearly visible and legible from ~~the public sidewalk or public street nearest to the fence on which such sign is affixed~~ all the public

ways adjacent to the open lot; and (56) be maintained in safe and proper condition. The Department of Streets and Sanitation is authorized to promulgate rules and regulations necessary to implement the requirements of this subsection and shall enforce this subsection in accordance with the requirements of Sections 2-100-110 and 7-28-780.

(Omitted text is not affected by this ordinance)

SECTION 2. Chapter 7-28 of the Municipal Code of Chicago is hereby amended by adding a new section 7-28-780, as follows:

7-28-780 Parking of vehicles in a vacant lot – Penalty for violation – Abatement – Lien.

(a) *Definitions.* As used in this section:

“Commissioner” means the Commissioner of Streets and Sanitation or the Commissioner’s designee.

“Department” means the City’s Department of Streets and Sanitation.

“Owner” has the meaning ascribed to the term in Chapter 14A-2.

“Vacant lot” means a subdivided or unsubdivided parcel of land which contains no temporary or permanent building or structure. A fence or signage required under Section 7-28-750 shall not be considered to be a structure on a vacant lot for purposes of this definition. The term “vacant lot” does not include: (i) a parking lot licensed as a public garage or accessory garage under Article IV of Chapter 4-232; or (ii) a parking lot established in compliance with the Chicago Zoning Ordinance or other applicable law.

(b) *Parking prohibited.* (1) The owner of any vacant lot located within the City shall not allow or cause the parking of any vehicle in that vacant lot. Failure to install or maintain a fence around a vacant lot, as required under subsection (a) of Section 7-28-750, shall create a rebuttable presumption that the owner of the vacant lot has allowed or caused the parking of any vehicle parked in the vacant lot. Any owner of a vacant lot who violates this subsection (b)(1) shall be subject to a fine of not less than \$300 nor more than \$500. Each day that such violation continues shall be considered a separate offense to which a separate fine shall apply.

(2) It shall be unlawful to park any vehicle in a vacant lot. Any person who violates this subsection (b)(2) shall be subject to a fine of not less than \$50 nor more than \$100. Each day that such violation continues shall be considered a separate offense to which a separate fine shall apply. The last registered owner of the vehicle parked in violation of this subsection (b)(2) shall be prima facie responsible for the violation and shall be subject to the penalty provided in this subsection (b)(2).

(c) *Public nuisance.* Any vehicle parked in a vacant lot is hereby declared to be a public nuisance. Upon instituting an administrative adjudication proceeding or filing of a case in a court of law against the owner of a vacant lot for violation of subsection (b) of this section, the Department shall post a yellow sticker, in a manner determined by rule, on each vehicle parked in the vacant lot, specifying that the vehicle shall be subject to removal if the owner of the vacant lot is found liable. If the owner of the vacant lot is found liable of violating subsection (b), the

Department shall post a red sticker, in a manner determined by rule, on each vehicle parked in the vacant lot, specifying that the vehicle shall be subject to removal if not removed within 10 days from the posting of the notice. The Department is authorized to remove, or may cause to be removed, any vehicle parked in the vacant lot after the expiration of the 10-day notice posted on such vehicle pursuant to this subsection. Any such vehicle is deemed abandoned. Any vehicle so removed shall be towed to an authorized facility. In such event, the owner of the vacant lot on which the removed vehicle was parked shall be liable to the City for any and all costs and expenses incurred by the City in removing the vehicle, except for towing and storage fees, plus a penalty of up to three times the amount of the costs and expenses incurred by the City. Provided, however, if the owner of the vacant lot is also the registered owner of a vehicle removed pursuant to this section, in addition to other costs and penalty provided in this subsection, the owner of the vacant lot shall be liable to the City for the towing and storage charges as provided in Sections 9-92-080 and 9-92-100(e) and the costs of postage for notices and costs of collection. Such monies may be recovered in an appropriate action instituted by the Corporation Counsel or in a proceeding initiated by the Department or the Department of Health at the Department of Administrative Hearings. The penalties imposed by this subsection shall be in addition to any other penalty provided by law.

Once the owner of a vacant lot is found liable of violating subsection (b), vehicles that are parked in that lot are subject to removal, as provided in this subsection, until all such vehicles are removed and until the vacant lot owner complies with Section 7-28-750 of the Code.

(d) *Fence and Signage.* The owner of any vacant lot located within the City shall: (i) install and maintain a fence around a vacant lot as required under subsection (a) of Section 7-28-750; and (ii) affix one or more signs meeting the requirements of subsection (b) of Section 7-28-750.

(e) *Lien.* The costs and expenses incurred by the City in removing vehicles parked in a vacant lot, except for towing and storage fees, plus the amount of any applicable penalty incurred pursuant to this section shall constitute a lien against the affected vacant lot if the City or its authorized agent files a notice of lien in the office of the County Recorder. The notice of lien shall consist of a sworn statement setting out:

- (1) A description of the real estate sufficient for identification thereof;
- (2) The amount of money representing the cost and expense incurred by the City or payable for the service plus the amount of any applicable penalty incurred pursuant to subsection (b) of this section;
- (3) The date or dates when the cost or expense was incurred by the City.

The notice of lien shall be filed within 60 days after the cost and expense and any applicable penalty is incurred; provided, however, that nothing in this section shall be construed to prohibit the City from collecting any amount of money owed to the City as set forth in the findings, decision and order of an Administrative Law Officer or in a judgment entered by a court of competent jurisdiction or in any other manner permitted by law.

Upon payment, after a notice of lien has been filed, of the amount of money representing the cost and expense incurred by the City, plus the amount of any applicable penalty incurred

pursuant to this section, the lien shall be released by the City for filing by the owner in the office of the County Recorder.

(f) *Post-tow notice.* If a vehicle parked in a vacant lot is removed by the Department as provided in subsection (c) of this Section, the owner of the vehicle removed shall be entitled to notice, consistent with Section 9-92-070, of the right to request a hearing regarding the validity of the removal and any towing or storage charges as provided in Section 9-92-080. Whenever the Department is not able to ascertain the name of the owner of an impounded vehicle or for any reason is unable to give notice to the vehicle owner as provided in this subsection (f), the Department shall immediately send or cause to be sent a written report of such removal by mail to the Secretary of the State of Illinois. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the address of the authorized facility where the vehicle is stored. Unclaimed motor vehicles removed under subsection (c) of this Section shall be disposed of as provided in Section 9-92-100.

In addition to applicable penalties, the last registered owner of the vehicle removed under subsection (c) shall also be liable to the City for the towing and storage charges as provided in Sections 9-92-080 and 9-92-100(e) and the costs of postage for notices and costs of collection.

(g) *Exceptions.* This section shall not apply to a motor vehicle on the premises of a licensed business establishment.

(h) *Rules.* The Department is authorized to adopt rules for the proper administration and enforcement of this section.

SECTION 3. This ordinance shall take effect ten days after its passage and publication.

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28th Ward