



# Office of the City Clerk

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## Legislation Text

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Chicago City Council Referred to Committee on  
Finance October 31, 2018

## ORDINANCE

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

SECTION 1. Title 1 of the Municipal Code, GENERAL PROVISIONS, is hereby amended by adding the language underscored, as follows:

#### **1-19-020 Default in payment of fines - Recovery of collection costs and attorney's fees.**

Notwithstanding any other provision of this code to the contrary and in addition to any other late penalty, interest, or other types of charges or costs provided for in this code:

(a) any person who fails to pay any debt due and owing, which debt is a result of that person's default in the payment of a fine or any installment of a fine, shall be liable for the city's collection costs and attorney's fees incurred by the city in the collection of the debt, except for survivors of domestic violence, victims of identity theft or qualifying hardship participants pursuant to Section 9-100-101, provided they perform community service in accordance with rules and regulations promulgated by the Department of Finance: and

*(Omitted text is unaffected by this ordinance)*

#### **1 -19-030 Failure to pay other debt - Recovery of collection costs.**

Notwithstanding any other provision of this code to the contrary and in addition to any other late penalty, interest, or other types of charges or costs provided for in this code:

(a) any person who fails to pay any debt due and owing, other than the debt specified in Section 1-19-020, shall be liable for the city's collection costs in the collection of the debt, except for survivors of domestic violence, victims of identity theft or qualifying hardship participants pursuant to Section 9-100-101, provided they perform community service in accordance with rules and regulations promulgated by the Department of Finance: and

*(Omitted text is unaffected by this ordinance)*

**1-20-040 Defenses to violation of law.**

In an action brought under this chapter where the city has issued a written notice of a violation, it shall be a defense that: the defendant undertook reasonable efforts to remedy the existing violation of law within the time prescribed in the city's notice, or if no time is

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prescribed in the city's notice, a reasonable period of time, or that the defendant did not contribute to the violation which was caused by third parties.

**1-20-050 Billing - Rules and regulations.**

City departments that provide services may promulgate rules and regulations to determine the method of calculating costs recoverable under this chapter, procedure for appealing decisions relating to costs incurred due to actions by third party and loan forgiveness and for billing persons for charges under this chapter.

**1-20-060 Recovery of court cost and attorney's fees.**

In any action brought under this chapter, the City of Chicago shall also be entitled to recover a penalty in an amount equal to the city's litigation and collection costs and attorney's fees<sup>A</sup> except against survivors of domestic violence, victims of identity theft or Qualifying hardship participants pursuant to Section 9-100-101 provided they perform community service in accordance with rules and regulations promulgated by the comptroller.

SECTION 2. Title 9 of the Municipal Code, VEHICLES, TRAFFIC AND RAIL TRANSPORTATION, is hereby amended by adding the language underscored and deleting the language struck through, as follows:

**9-92-020 Vehicle pound established.**

The superintendent of police and the commissioner of streets and sanitation are authorized to establish and operate vehicle pounds, to which motor vehicles may be removed as provided in the traffic code. Employees of the department of streets and sanitation must allow vehicle owners access to their impounded vehicle in accordance with rules and regulations issued by the commissioner of the department of streets and sanitation.

*(Omitted text is unaffected by this ordinance)*

**9-92-080 Release procedure for impounded vehicles.**

*(Omitted text is unaffected by this ordinance)*

(g) Fees provided for in this section will be reduced by 50% for survivors of domestic violence, victims of identity theft and qualifying hardship participants pursuant to Section 9-100-101, provided they perform community service in accordance with rules and regulations promulgated by the Department of Finance.

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*(Omitted text is unaffected by this ordinance)*

### **9-92-100 Disposal of unclaimed vehicles.**

*(Omitted text is unaffected by this ordinance)*

d) The superintendent of police is authorized to reserve for the city's use such unclaimed impounded vehicles for which a notice has been sent pursuant to Section 9-92-070, as the various departments of the city may require. Any vehicle reserved for such purpose shall be added to the list of the respective department's fleet of vehicles. If the superintendent does not exercise this authority, the commissioner of the department of streets and sanitation is authorized to dispose of such vehicles contracting with a not-for-profit agency to give such vehicles to individuals of need.

e) Disposal of a vehicle pursuant to this section shall not relieve the violator of liability for all costs, fines and penalties incurred in conjunction with such vehicle: provided, however, that with respect to disposal of an abandoned vehicle, the amount of liability for towing and storage costs shall be reduced by any amounts realized in the disposal of the vehicle in accordance with Article II of Chapter 4 of the Illinois Vehicle Code.

### **9-100-050 Determination of liability.**

*(Omitted text is unaffected by this ordinance)*

(e) Failure by any respondent to pay the fine within 245 days of issuance of a determination of liability for a violation will automatically subject the respondent to a penalty for late payment; provided that an eligible participant paying the indicated fine under an early payment installment plan pursuant to Section 9-100-105 shall not be subject to the late payment, unless the eligible, participant defaults on the early payment installment plan. In the event of such a default, the eligible participant shall be subject to the late payment in accordance with this section.

The penalty for late payment shall be an amount equal to 10% of the amount of the fine for the relevant violation.

*(Omitted text is unaffected by this ordinance)*

**9-100-060 Grounds for contesting a violation.**

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(a) A person charged with a parking, standing or compliance violation may contest the charge through an administrative adjudication limited to one or more of the following grounds with appropriate evidence to support:

- 1) that the respondent was not the owner or lessee of the cited vehicle at the time of the violation; <sup>1</sup>
- 2) that the cited vehicle or its state registration plates were stolen at the time the violation occurred;
- 3) that the relevant signs prohibiting or restricting parking or standing were missing or obscured;
- 4) that the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;
- 5) that the facts alleged in the violation notice are inconsistent or do not support a finding that the specified regulation was violated;
- 6) that the illegal condition described in the compliance violation notice did not exist at the time the notice was issued;
- 7) that the compliance violation has been corrected prior to adjudication of the charge; provided, however, that this defense shall not be applicable to:
  - (i) ~~compliance violations involving display of the city wheel tax license emblem under Section 9-64-125;~~
  - (ii) ~~compliance violations involving motor vehicle exhaust systems under subsection (a)(2) of Section 9-76-140r~~
  - (iii) compliance violations involving registration plates under subsection (a) of Section 9-76-160;
  - (iv) compliance violations involving display of registration plates, temporary registration or temporary permits under subsection (b) of Section 9-76-160, except to the extent that 625 ILCS 5/3-821.2(b) provides for an affirmative defense;
  - (iiiv) compliance violations relating to glass coverings or coating under Section 9-76-220; or
  - (ivi) compliance violations involving the use of a mobile, cellular, analog wireless or digital telephone while driving a motor vehicle under Section 9-76-230.

*(Omitted text is unaffected by this ordinance)*

**9-100-101 Installment payment plans.**

*(Omitted text is unaffected by this ordinance)*

(3) The minimum initial payment under any installment plan shall be:

(A) ~~For vehicle owners prior to: (i) the vehicle being immobilized or impounded; or (ii) the vehicle owner's driver's license being suspended pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, an amount which the traffic compliance administrator deems appropriate for the vehicle owner's combined liability for fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.~~

(B) ~~For all other vehicle owners after vehicle immobilization or impoundment, or after the owner's driver's license has been suspended pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, 50 percent of the vehicle owner's combined liability for fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.~~

(34) Required installment payments after the initial payment shall be substantially equal, unless the traffic compliance administrator determines, based on a review of the vehicle owner's finances, that installments in different amounts will be more effective in paying off the total indebtedness;

(4§) If the vehicle owner fails to make all required payments in a timely manner, the vehicle owner's motor vehicle shall be subject to immobilization or impoundment, or the vehicle owner's driver's license shall be subject to suspension pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, if applicable, and the vehicle owner shall be liable for the outstanding balance plus an additional penalty of \$100.00.

(56) Every installment plan shall be in a form prescribed by the traffic compliance administrator, and shall state the total indebtedness, the amount of the initial installment, the amount of each subsequent installment and the date each is due, the penalty for delinquency under the installment plan, and such other provisions as the traffic compliance administrator may determine. The installment plan shall also require the vehicle owner to pay every parking, standing, compliance, automated traffic law enforcement system and automated speed enforcement system fine that becomes final during the term of the installment plan. The initial installment shall

*(Omitted text is unaffected by this ordinance)*

### **9-100-105 Early payment installment plans.**

(a) For purposes of this section, the following definitions apply:

"Default" means the non-payment or underpayment of a monthly amount due from an eligible participant under an early payment installment plan.

"Eligible participant" means a person who was issued a notice: (i) under Section 9-100-030 or a second notice for a parking, standing or compliance violation under Section 9-100-050(d)(1); or (ii) under Section 9-100-045 for an automated speed enforcement system or automated traffic law enforcement system violation, but has not been issued a notice of final determination for such violation.

"Eligible violation" means a parking, standing, compliance, or automated speed enforcement system or automated traffic law enforcement system violation.

b) The traffic compliance administrator may establish a program in compliance with this chapter for early payment installment plans for the payment of eligible violation fines by eligible participants.

c) The early payment installment plan shall include the following conditions:

- 1) the plan has a scheduled duration of 90 days or less; and
- 2) the plan requires one payment per month on a day specified in the executed plan and the monthly payments are in equal amountsf-and
- ~~(3) the down payment is equal to the first monthly installment payment.~~

*(Omitted text is unaffected by this ordinance)*

GILBERT VILLEGAS Alderman, 36<sup>th</sup> Ward

SECTION 3. This ordinance is effective ninety days after passage and approval.

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