



Office of the City Clerk

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Legislation Details (With Text)

File #: O2021-2863
Type: Ordinance **Status:** Passed
File created: 6/25/2021 **In control:** City Council
Final action: 7/21/2021
Title: Amendment of Municipal Code 2-14-132 regarding true owner notification procedures for impounded vehicles
Sponsors: Lightfoot, Lori E.
Indexes: Ch. 14 Dept. of Administrative Hearings
Attachments: 1. O2021-2863.pdf

Date	Ver.	Action By	Action	Result
7/21/2021		City Council	Passed	Pass
7/15/2021	1	Committee on Pedestrian and Traffic Safety		
6/25/2021	1	City Council	Referred	

OFFICE OF THE MAYOR
CITY OF CHICAGO

LOKI E. LIGHTFOOT
MAYOR

June 25, 2021

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

Ladies and Gentlemen:

At the request of the Commissioner of Streets and Sanitation, I transmit herewith an ordinance amending the Municipal Code regarding issuance of notice to owners of impounded vehicles identified after the 10-day notice period.

Your favorable consideration of this ordinance will be appreciated.

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 deleting the language struck through and by inserting the language underscored, as follows:

2-14-132 Impoundment.

(Omitted text is not affected by this ordinance)

(b) (1) (A) Within ten days after a vehicle is seized and impounded the ^Department of sStreets and sSanitation or other appropriate department shall notify by certified mail the owner of record (other than a lessee who does not hold title to the vehicle), the person who was found to be in control of the vehicle at the time ofthe alleged violation, and any lienholder of record, of the owner's right to request a hearing before the dDepartment of aAdministrative ^Hearings to challenge whether a violation of this Code for which seizure and impoundment applies has occurred or, if the impoundment is pursuant to Section 9-92-035, whether the subject vehicle is eligible for impoundment under that section. In the case where an owner of record is a lessee who does not hold title to the vehicle, the notice shall be mailed to such lessee within ten days afterthe dDepartment of aAdministrative ^Hearings receivesa copy or other satisfactory evidence of the vehicle lease or rental agreement, indicating the name, address, and driver's license number of the lessee pursuant to subsection (i). However, no such notice need be sent to the owner of record if the owner is personally served with the notice within ten days after the vehicle is seized and impounded, and the owner acknowledges receipt ofthe notice in writing. A copy of the notice shall be forwarded to the dDepartment of aAdministrative ^Hearings. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle not released by payment of the penalty and fees and remaining in the GCity pound may be sold or disposed of by the eCity in accordance with applicable law.

(B) If, after the ten-day notice period provided in subparagraph (b)(1)(A) of this section, the City learns that the impounded vehicle was owned at the time of the impoundment by a person other than those persons who were identified during the ten-day notice period, then notice shall be sent to such owner or lienholder no later than 10 days after the date the City has learned the identity of such owner or lienholder. Except as provided in this subparagraph (b)(1)(B) of this section, such notice shall be consistent with, and shall be sent in the manner as provided in, subparagraph (b)(1)(A) of this section.

2) The owner of record seeking a hearing must file a written request for a hearing with the dDepartment of aAdministrative hHearings no later than 15 days after notice was mailed or otherwise given under this subsection. The hearing date must be no more than 30 days after a request for a hearing has been filed.

3) (A) If, afterthe hearing, the administrative law officer determines by a preponderance of the evidence that the vehicle was used in the violation, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle was properly impounded under that section, the administrative law officer shall enter an order finding the owner of record liable to the eCity for the amount ofthe administrative penalty prescribed for the violation, plus towing and storage fees.

(B) If, aftera hearing, the administrative law off icerdoes not determine by a preponderance of the evidence that the vehicle was used in such a violation, or, if the impoundment is pursuant

to Section 9-92-035, that the subject vehicle was not eligible for impoundment under that section, the administrative law officer shall enter an order finding for the owner and for the return of the vehicle or previously paid penalty and fees: provided that if the vehicle was seized and impounded pursuant to Section 7-24-225, the vehicle shall not be returned unless and until the GCity receives notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted; or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the owner of record.

4) If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and an administrative law officer of the dDepartment of aAdministrative hHearings shall enter a default order in favor of the GCity in the amount of the administrative penalty prescribed for the violation, plus towing and storage fees. However, if the owner: (i) redeemed the vehicle by payment ofthe appropriate penalty and fees, and (ii) was notified ofthe owner's right to request a hearing, and (iii) failed to timely request a hearing, then the payment shall be deemed an acknowledgment of liability and no adjudication shall be required.

5) For the purposes of this section and those sections referenced in subsection (a), the terms "seizure and impoundment" and "seized and impounded" shall be deemed to also refer to a vehicle that a police officer or other authorized GCity agent or employee determines is subject to impoundment because there is probable cause to believe it was used in violation of one or more of those sections listed in subsection (a), regardless of whether the vehicle is actually towed to and held at a GCity facility.

(Omitted text is not affected by this ordinance)

SECTION 2. This ordinance shall take effect upon its passage and approval.