
VILLAGE OF HARWOOD HEIGHTS

COOK COUNTY, ILLINOIS

ORDINANCE NO.10-08

**AN ORDINANCE AMENDING THE HARWOOD HEIGHTS CODE OF ORDINANCES TO
PROVIDE FOR AN INCREASE IN IMPOUND BOND, FEE AND PENALTY**

Passed by the Board of Trustees, February 25, 2010

Printed and Published, February 25, 2010

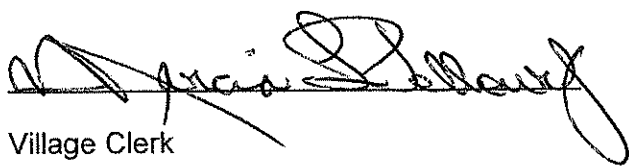
Printed and Published in Pamphlet Form

By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS

COOK COUNTY, ILLINOIS

I hereby certify that this document was
properly published on the date stated above.


Village Clerk

VILLAGE OF HARWOOD HEIGHTS

ORDINANCE NO. 10-08

AN ORDINANCE AMENDING THE HARWOOD HEIGHTS CODE OF ORDINANCES TO PROVIDE FOR AN INCREASE IN IMPOUND BOND, FEE AND PENALTY

WHEREAS, the Village of Harwood Heights (hereinafter, "the Village") is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the Corporate Authorities of the Village find it to be in the best interest of the Village to amend Sections 10.72.040, 10.72.050 (C), 10.72.060 (C3), 10.72.060 (C4) and 10.72.080 (A) of the Village Code of Ordinances, as amended, to increase the bond, fee and penalty associated with impoundment of vehicles from five hundred (\$500.00) to six hundred (\$600.00) dollars; and

WHEREAS, the Corporate Authorities hereby find that increasing the impound bond, fee and penalty to address compliance and enforcement of vehicle violations; and

WHEREAS, the Corporate Authorities hereby find that increasing the impound fees will address the cost of effectively implementing and processing of said vehicle violations within the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, that the Village Code be amended to read as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Title. This Ordinance shall be known and may hereafter be referred to as the *Increased Impoundment Bond, Fee and Penalty Ordinance*.

SECTION 3. Enactment. Section 10.72.040 of the Village Code, shall be, and hereby is, amended to increase the amount of the bond from five hundred dollars (\$500) to six hundred dollars (\$600) designated in this section. Therefore, Section 10.72.040 shall be and hereby is amended to remove the struck language and to include the underlined language to read as follows:

10.72.040 Posting a bond.

If a bond in the amount of ~~five hundred dollars (\$500.00)~~ six hundred dollars (\$600.00) is posted with the village, the impounded vehicle shall be released to the owner of record, upon the payment by the owner of record of the towing and storage costs. If a penalty is imposed for a violation of this chapter, the bond will be forfeited to the village; provided, in the event that a violation of this chapter is not proven, the bond shall be returned to the person posting the bond. All bond money posted pursuant to this chapter shall be held by the village until the hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision.

SECTION 4. Enactment. Section 10.72.050(C) of the Village Code, shall be, and hereby is, amended to increase the amount of the cash bond from five hundred dollars (\$500) to six hundred dollars (\$600) designated in this section. Therefore, Section 10.72.050(C) shall be and hereby is amended to remove the struck language and to include the underlined language to read as follows:

10.72.050 Preliminary hearing.

C. If, after the conclusion of the hearing, the police chief or supervising officer determines that there is probable cause to believe that the vehicle was used as hereinabove provided in Section 10.72.020, he/she shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond with the village in the amount of ~~five hundred dollars (\$500.00)~~, six hundred dollars (\$600.00), plus the towing and storage costs.

SECTION 5. Enactment. Section 10.72.060(C3) of the Village Code, shall be, and hereby is, amended to increase the amount of the penalty from five hundred dollars (\$500) to six hundred dollars (\$600) designated in this section. Therefore, Section 10.72.060(C3) shall be and hereby is amended to remove the struck language and to include the underlined language to read as follows:

10.72.060 Final hearing.

C. Hearing. For purposes of this section, the following shall apply at an owner's final hearing:

3. If, after the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used as hereinabove provided in Section 10.72.020, the hearing officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the village a penalty in the amount of ~~five hundred dollars (\$500.00)~~ six hundred dollars (\$600.00), plus the towing and storage costs. The penalty and costs shall be a debt due to the village.

SECTION 6. Enactment. Section 10.72.060(C4) of the Village Code, shall be, and hereby is, amended to increase the amount of the administrative penalty from five hundred dollars (\$500) to six hundred dollars (\$600) designated in this section. Therefore, Section 10.72.060(C4) shall be and hereby is amended to remove the struck language and to include the underlined language to read as follows:

10.72.060 Final hearing.

C. Hearing. For purposes of this section, the following shall apply at an owner's final hearing:

4. If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the village, which order shall require the payment to the village of an administrative penalty of ~~five hundred dollars (\$500.00)~~ six hundred dollars (\$600.00).

SECTION 7. Enactment. Section 10.72.080 of the Village Code, shall be, and hereby is, amended to increase the amount of the impound penalty from five hundred dollars (\$500) to six hundred dollars (\$600) designated in this section. Therefore, Section 10.72.080 shall be and hereby is amended to remove the struck language and to include the underlined language to read as follows:

10.72.080 Liability for penalty and costs.

A. The owner of record of a motor vehicle that is seized or impounded shall be liable to the village for a penalty of ~~five hundred dollars (\$500.00)~~ six hundred dollars (\$600.00) in addition to any fees for the towing and storage of the motor vehicle.

SECTION 8. RESOLUTION OF CONFLICTS.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 9. IMMEDIATE EFFECTIVE DATE.

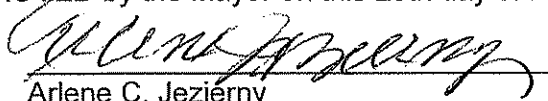
This Ordinance shall take effect immediately upon its passage

ADOPTED on this 25th day of February, 2010, pursuant to a roll call vote as follows:

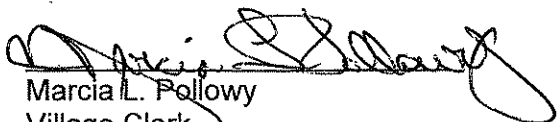
	YES	NO	ABSTAIN	ABSENT	PRESENT
DOBRZYCKI	X				X
GADZINSKI	X				X
MOUGOLIAS	X				X
SCHUEPFER	X				X
STEINER	X				X
SZLENDAK	X				X
Mayor Jezierny					X
TOTAL	6				7

Ordinance No. 10-08

APPROVED by the Mayor on this 25th day of February, 2010.


Arlene C. Jezierny
MAYOR

ATTEST


Marcia L. Polowy
Village Clerk