

ORDINANCE NO. 2002-159
An Ordinance providing for the enforcement
of restricted or prohibited parking zones
for the DuPage Airport Authority

IT IS HEREBY ordained by the Board of Commissioners of the DuPage Airport Authority:

Section 1. There are hereby established tow-away zones in which the parking of vehicles is prohibited or restricted. The location of such zones and the prohibition or restriction shall be clearly designated by signs posted or other conspicuous markings, and such signs or markings shall indicate that vehicles in violation will be towed and impounded.

The term "tow-away zone" as used in this Ordinance shall mean an area (SEE Exhibit "A") designated by the Board of Commissioners of the DuPage Airport Authority (hereinafter the "Board of Commissioners") where vehicles may be impounded upon violation of this Ordinance. The term "impounded" as used in this Ordinance shall mean the removal of the vehicle to a storage facility either by a law enforcement officer or authorized agent of the DuPage Airport Authority or by a contractor for towing and storage in response to a request from a law enforcement officer or authorized agent of the DuPage Airport Authority.

Section 2. Where signs are erected or other markings exist giving notice thereof, no person shall park or leave standing or unattended a motor vehicle where prohibited or restricted by such signs or other markings.

Violators of this Ordinance may be assessed a fine up to \$25 per day, not to exceed \$500. Each calendar day that such violation continues shall constitute a separate offense.

A vehicle in violation of this Ordinance may be impounded, with or without citation and without giving prior notice to its owner, when the vehicle is illegally parked in a tow-away zone as established by this Ordinance.

Section 3. When impoundment is authorized by this Ordinance, a vehicle may be impounded either by a law enforcement officer or authorized agent of the DuPage Airport Authority or by a contractor for towing and storage acting at the request of a law enforcement officer or authorized agent of the DuPage Airport Authority and in accordance with any contract authorized by the Board of Commissioners.

Section 4. A law enforcement officer or authorized agent of the DuPage Airport Authority is authorized to remove, or cause to be removed, a vehicle from any DuPage Airport Authority property when: (1) a vehicle is situated in such a manner that it obstructs the normal movement of traffic or creates a hazard or other traffic on the airport property and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal; (2) a vehicle driven on DuPage Airport Authority property is so defective as to pose an immediate hazard; (3) removal of the vehicle is necessary in the interest of the public health or safety because of fire, flood, snow, storm or other emergency and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal; (4) a vehicle blocks ingress or egress to or from DuPage Airport Authority property and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal; (5) the vehicle has been found on DuPage Airport Authority property in a signed or marked tow-away zone and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal.

Section 5. Whenever any motor vehicle is found in a tow-away zone or in violation of any of the restrictions imposed by this Ordinance, the law enforcement officer or authorized agent of the DuPage Airport Authority finding such vehicle shall take its registration number and may take other information displayed on the vehicle which may identify its user, or whenever a law enforcement officer or authorized agent of the DuPage Airport Authority removes a vehicle from a "no parking" zone as authorized in this Ordinance and the law enforcement officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such law enforcement officer or authorized agent shall give, or cause to be given, notice in writing to such owner of the fact of the removal and the reasons therefor and of the place to which the vehicle has been removed. The written notice shall be mailed to the registered owner at the address provided by the Illinois Secretary of State or corresponding agency of any other state or province. The notice shall contain the full particulars of the impoundment, redemption and opportunity for hearing to contest the propriety of the impoundment, as hereinafter provided. The notice required in this section shall be given by certified or First Class U.S. Mail to the registered owner of the motor vehicle within three (3) business days after impoundment of the vehicle. In the event the vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Section 6. Whenever a law enforcement officer or authorized agent of the DuPage Airport Authority impounds a vehicle under this Ordinance and does not know, and is unable to ascertain, the name of the owner, or for any other reason is unable to give notice to the owner as provided herein, and in the event the vehicle is not returned to the owner within a period of three (3) days, the law enforcement officer or authorized agent shall send, or cause to be sent, a written report of such removal by mail to the State Police and state department whose duty it is to register motor vehicles and shall include a complete description of the vehicle, the date, time and place of removal and the name of the garage or other place where the vehicle is stored.

Section 7. Whenever any vehicle has been impounded pursuant to this Ordinance, the registered owner, person authorized by the registered owner or one who has purchased the vehicle from the registered owner may request, in writing, a hearing to determine the propriety of the impoundment. The written request for a hearing shall be submitted to and received by the Executive Director of the DuPage Airport Authority ("Executive Director") within ten (10) business days of the date the vehicle was impounded or the right to a hearing shall be deemed to have been waived.

Within three (3) days of the receipt of a request for a hearing, the hearing, as provided by this Ordinance, shall be conducted by a hearing officer appointed by the Executive Director. The sole issue to be determined by the hearing officer shall be whether a violation of the provisions of this Ordinance which authorized the impoundment has occurred. If the hearing officer finds a violation of this Ordinance has occurred, all charges, including, but not limited to, citations, towing and storage charges, shall be paid by the owner of the vehicle or such person as is authorized by the owner. If the hearing officer finds that a violation of this Ordinance has not occurred, he or she may, in his or her discretion, order that the DuPage Airport Authority reimburse the owner of the vehicle or such person as is authorized by the owner for all impound, storage or citation fees paid by such person.

Section 8.

(a) All motor vehicles towed and impounded pursuant to this Ordinance shall be surrendered to the owner or person entitled to custody of the vehicle, subject to the provisions of subparagraph (b) hereof, upon presentation to the commercial towing service where the vehicle is impounded of proof of ownership of the vehicle by lawful title or other proof of lawful entitlement to the vehicle.

(b) Payment of all storage charges and towing fees incurred in the impoundment and towing of a vehicle must be paid prior to release of the vehicle, unless otherwise relieved of that requirement by application of the hearing provision set forth herein.

Section 9. A person who requests a post-impoundment hearing may obtain the release of the vehicle prior to the hearing date by posting a bond with the Executive Director in the amount of the towing and storage charges. Upon showing to the commercial towing service proof of the posting of a bond, the motor vehicle shall be immediately released. If a bond is not posted, the vehicle shall remain in storage until the requested hearing is held. If the person requesting a hearing fails to appear on the date and at the time of the scheduled hearing, the request shall be dismissed, with prejudice, and the bond amount shall be forfeited to the DuPage Airport Authority.

Section 10. Vehicles remaining unclaimed for more than thirty (30) days after the notice required in this Ordinance has been given shall be disposed of as set forth in 625 ILCS 5/4-208 and 209.

PASSED in the County of DuPage, State of Illinois by the Board of Board of Commissioners of the DuPage Airport Authority this 28th day of October, 2002.

Record of Roll Call Vote:

Duane D. Gengler	<u>YES</u>	Russell J. Horn	<u>YES</u>
Dayle M. Gillett	<u>YES</u>	Kaaren E. Oldfield	<u>YES</u>
Daniel L. Goodwin	<u>YES</u>	Thomas F. Meagher	<u>YES</u>
Gerald M. Gorski	<u>YES</u>		


Chairman

ATTEST:



Secretary

Exhibit A.
Tow-Away Zones

All airport property subject to the following conditions.

- If a vehicle is situated in a manner that obstructs the normal movement of traffic or creates a safety hazard.
- If a vehicle is defective and poses an immediate safety hazard.
- If a vehicle is situated in a manner that requires removal for the benefit of public health and safety in the event of a fire, flood, snow, storm or other emergency.
- If a vehicle is blocking ingress or egress from airport property.

- All parking spaces signed or marked "tow-away zone" including but not limited to the following locations.
 - 30 minute parking spaces (east side of DuPage Air Traffic Control Tower on International Drive).
 - FAA reserved parking spaces (north and south Flight Center crescent lot parking areas on International Drive).
 - Reserved parking area (northeast corner of north avenue parking lot).