

## ARTICLE II. - NOISE

### Sec. 17-24. - Findings.

It is recognized that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of our environment.

(Code 1970, § 17-1; Ord. No. 1974-67-O, 4-15-1974)

### Sec. 17-25. - Adoption of state provisions.

The provisions of 35 Ill. Admin. Code 901.101 et seq., being rules of the pollution control board pertaining to sound emission standards and limitations for property line-noise-sources are adopted by reference.

(Code 1970, § 17-2; Ord. No. 1974-67-O, 4-15-1974)

### Sec. 17-26. - Vehicular noise.

- (a) No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion, nor shall such horn or signal be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.
- (b) No person shall operate, sell, or offer for sale any motor vehicle subject to registration that will, at any time or under any condition of grade, load, acceleration or deceleration, operate in such manner as to exceed the noise limits in 35 Ill. Admin. Code 902.120—902.125.

(Code 1970, § 17-3; Ord. No. 1974-67-O, 4-15-1974)

### Sec. 17-27. - Nuisance noise and operation of certain vehicles.

- (a) No person shall operate or permit to be operated any device used to receive broadcast sound, or reproduce any recorded sound if the device is located:
  - (1) On the public way; or
  - (2) In any motor vehicle on the public way; and the sound can be heard from 75 feet or more from the device. This section does not apply to authorized emergency vehicles. This section does not apply when the device is being operated solely to request assistance or warn of a hazardous condition.
- (b) The term "public way" means all streets, alleys, sidewalks, boulevards, public parking lots and other public rights-of-way.
- (c) The minimum fine for a violation of this section shall be set forth in section 17-29 for each offense.

(Code 1970, § 17-3.1; Ord. No. 1994-132-O, 5-9-1994; Ord. No. 2002-225-O, 8-19-2002; Ord. No. 2007-158-O, § 17-3.1, 8-13-2007; Ord. No. 2009-198-O, § 17-27, 11-16-2009; Ord. No. 2010-053-O, § 17-27, 5-10-2010; Ord. No. 2010-110-O, § 17-27, 10-18-2010)

Sec. 17-27.1. - Nuisance driving on the public way.

No person shall operate a motor vehicle on the public way in the following manner:

- (1) Driving parallel with at least one other vehicle in a weaving pattern (the crossing of two or more traffic streams traveling in the same direction) from curb to curb or nearly curb to curb; or
- (2) Driving parallel with at least one other vehicle while one or more of the vehicles are traveling in the wrong lane for the appropriate direction of travel; or
- (3) The head or torso of the driver or a passenger completely protrudes from any opening in any vehicle; or
- (4) Disregarding an official traffic control device while traveling in groups of five or more; or
- (5) While committing the offense of Solicitation of a Sexual Act as defined in 720 ILCS 5/11-14.1.

(Ord. No. 2010-053-O, § 17-28, 5-10-2010; Ord. No. 2010-110-O, § 17-28, 10-18-2010)

**Editor's note**— Ord. No. 2010-053-O, adopted May 10, 2010, set out provisions intended for use as § 17-28. For purposes of classification and to preserve the style of this Code, and at the editor's discretion, these provisions have been included as § 17-27.1.

Sec. 17-28. - Vehicle seizure and impoundment.

- (a) A motor vehicle used in violation of section 17-27, [17-27.1.], 17-28 or 17-40 is declared a public nuisance.
- (b) A motor vehicle operated with the permission, express or implied, of the owner of the vehicle, which is used in violation of section 17-27, [17-27.1.], 17-28 or 17-40 shall be subject to seizure and impoundment under this section.
  - (1) The owner of such vehicle shall be liable for the towing and storage of the vehicle and for an administrative penalty of \$150.00.
  - (2) For a second offense within a two-year period involving the same vehicle, the owner of each vehicle shall be liable to the city for a penalty of \$300.00 in addition to fees for the towing and storage of the vehicle.
  - (3) For a third or subsequent offense within a two-year period, the owner of record of such vehicle shall be liable to the city for a penalty of \$750.00 in addition to fees for the towing and storage of the vehicle.
- (c) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle by a city police department contracted impound towing service. When the vehicle is towed, the police officer shall notify the person in control of the vehicle at the time of the alleged violation of the seizure and of the vehicle owner's right to request a preliminary hearing under this section. Said request shall be made in person at the city legal department, 425 East State Street, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. On evenings, weekends and legal holidays said request shall be made by depositing a written request for a hearing in the silver drop box located behind city hall.
  - (1) The vehicle shall be impounded pending the completion of hearings in subsections (d) and/or (f) and (g) of this section, unless the owner of the vehicle posts with the city a cash bond of \$150.00 and pays for the towing and storage of the vehicle.

- (2) For a second offense, said vehicle shall be impounded pending the completion of hearings provided for in subsections (d) and/or (f) and (g) of this section, unless the owner of the vehicle posts with the city a cash bond in the amount of \$300.00.
  - (3) For a third or subsequent offense within a two-year period, \$750.00, plus fees for the towing and storage of the vehicle.
- (d) Whenever the owner of a vehicle seized pursuant to this section requests a preliminary hearing within 12 hours after the seizure, a preliminary hearing shall be conducted within 72 hours after said seizure, excluding weekends and holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle operated with the permission, express or implied, of the owner, was used in the commission of any violation of this section, the hearing officer shall order the continued impoundment of the vehicle unless the owner of the vehicle posts with the city a cash bond in the amount of \$150.00, or, for a second offense within a two-year period, \$300.00 plus fees for the towing and storage of the vehicle, or, for a third or subsequent offense within a two-year period, \$750.00, plus fees for the towing and storage of the vehicle. If the hearing officer determines that there is no such probable cause the vehicle will be returned without penalty or other fees.
  - (e) Within ten days after a vehicle is seized and impounded pursuant to this section, the city shall notify by certified mail, return receipt requested, the owner of the vehicle at his/her last known address as indicated by the vehicle's registration of his/her right to request before the hearing officer a hearing, which will be conducted to determine whether the subject vehicle is eligible for impoundment pursuant to this section. However, no such notice shall be sent if the owner is personally served with the notice within ten days after the vehicle is impounded, and the owner acknowledges receipt of the notice in writing. The notice shall state the penalties which may be imposed if no hearing is requested, including that a vehicle released by payment of the penalty and fees and remaining towing/storage facility may be sold or disposed of by the city or the tow operator in accordance with applicable law.
  - (f) The owner of record seeking a hearing must file a written request for a hearing with the city legal department no later than 15 days after notice was mailed or otherwise given under this subsection. Said written request shall contain the following information:
    - (1) The name of the owner or lien holder of the subject vehicle.
    - (2) The address of the owner or lien holder of the subject vehicle.
    - (3) The date of the impoundment of the subject vehicle.
  - (g) The hearing shall be scheduled and held unless continued by order of the hearing officer, no later than 45 days after the request for a hearing has been filed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in the commission of a violation of section 17-27, [17-27.1.], 17-28 or 17-40, the hearing officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays an administrative penalty of \$150.00 plus towing and storage of the vehicle, or for a second offense, a penalty of \$300.00 plus towing and storage fees, or, for a third or subsequent offense within a two-year period, \$750.00, plus fees for towing and storage of the vehicle. The penalty and fees shall be a debt due and owing the city. However, if a cash bond has been posted, the bond shall be applied to the penalty. If the hearing officer determines that the vehicle was not used in commission of such a violation, he/she shall order the return of the vehicle or cash bond and the city shall be liable for towing and storage fees.
  - (h) If the owner of record does not make a timely request for a final hearing and the administrative penalty and other fees are not paid in full within 30 days after the seizure of the vehicle, the vehicle will be deemed abandoned and may be disposed of by the city. Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek

judicial review of the city's action under this section, or the time at which a final judgment is rendered in favor of the city, may be disposed of as an unclaimed vehicle as provided by law. As used in this section, the term "owner of record" of a vehicle means the record title holder.

- (i) Fees for towing and storage of a vehicle under this section shall comply with section 29-200 of this Code.
- (j) This section shall not replace or otherwise abrogate any existing state or federal laws or local ordinances pertaining to noise, vehicle seizure and impoundment.
- (k) Notwithstanding any other provision of this section, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he/she agrees in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed under this subsection.
- (l) All decisions of the hearing officer may be reviewed in accordance with the terms of the Administrative Review Act, 735 ILCS 5/13-101.
- (m) Fines collected as a result of an impounded vehicle being operated on the public way while the operator of said vehicle is committing the offense of solicitation of a sexual act as defined in 720 ILCS 5/11-14.1, shall be deposited in a fund established by city ordinance and shall be used to fund rehabilitation, outreach and education services, GED attainment and job training for prostituted persons and victims of human trafficking. [Not] for-profit organizations whose primary purpose is to provide such services shall be eligible to apply for said funds through the City of Rockford Human Services Department on a quarterly basis. The finance department shall prepare quarterly reports detailing the recipient [not] for-profit, the date of service(s) and the nature of the service(s) provided with said funds. On an annual basis, the [not] for-profit organization in receipt of said funds shall present an annual report detailing the nature of the services provided.

(Ord. No. 2007-158-0, § 17-3.21, 8-13-2007; Ord. No. 2010-053-O, § 17-29, 5-10-2010; Ord. No. 2010-110-O, § 17-29, 10-18-2010; Ord. No. 2011-053-O, § 17-28, 5-2-2011; Ord. No. 2015-002-O, 1-20-2015)

#### Sec. 17-29. - Boats.

- (a) All motorboats shall be equipped and maintained with an effective muffler or underwater exhaust system. For the purpose of this section, an effective muffler or underwater exhaust system is one that does not produce sound levels that create excessive or unusual noise, or sound levels that are in excess of 90 decibels when subjected to a stationary sound level test as prescribed by the Society of Automotive Engineers in its procedure J2005.
- (b) No person may operate a motorboat in a manner to exceed a noise level of 75 decibels measured as specified in the Society of Automotive Engineers in its procedure J1970 from any point on the shoreline, or from any point on the water within 20 feet of the shoreline, of the body of water on which the motorboat is being operated.
- (c) This section does not apply to:
  - (1) A motorboat tuning up for or participating in official trials for a sanctioned race or regatta conducted as authorized by the appropriate unit of government; or
  - (2) A motorboat being operated by a boat or marine engine manufacturer for the purpose of testing or development as authorized by the city.
- (d) Any person violating subsection (a) or (b) of this section shall be required to:
  - (1) Install an effective muffler system on the motorboat in violation;

- (2) Pass the sound level test prescribed by the Society of Automotive Engineers in its procedure J2005 before putting the motorboat back into use; and
- (3) Be punished as provided in section 1-9.

(Code 1970, § 17-4; Ord. No. 1974-67-O, 4-15-1974)

**State Law reference**— Similar provisions, 625 ILCS 45/4-3.

Sec. 17-30. - Unregistered recreational or off-highway vehicles.

It shall be unlawful for any person to operate a motor driven vehicle of a type not subject to registration for road use at any time or under any condition of load, acceleration, or deceleration in such manner as to exceed the following noise limit at any point on property zoned for business or residential use at a distance of not less than 50 feet from the path of travel: 76dB (A).

(Code 1970, § 17-5; Ord. No. 1974-67-O, 4-15-1974)

Sec. 17-31. - Construction noise.

It shall be unlawful for any person to use any hammer or power-operated tool for repair or construction purposes between the hours of 10:00 p.m. and 7:00 a.m. within 600 feet of any building used for residential or hospital purposes. Repairs to public service utilities shall be exempted from this section.

(Code 1970, § 17-6; Ord. No. 1974-67-O, 4-15-1974)

Sec. 17-32. - Grounds maintenance equipment.

It shall be unlawful to operate any power-driven lawn or garden maintenance equipment between the hours of 10:00 p.m. and 7:00 a.m. or any snow blower between the hours of 10:00 p.m. and 5:30 a.m. within 600 feet of any building used for residential or hospital purposes.

(Code 1970, § 17-7; Ord. No. 1974-67-O, 4-15-1974; Ord. No. 1990-294-O, 10-1-1990)

Sec. 17-33. - Miscellaneous noise sources.

(a) It shall be unlawful to operate the following equipment between the hours of 10:00 p.m. and 7:00 a.m. outdoors within 600 feet of any building used for residential or hospital purposes or indoors if such equipment is audible from any adjacent property used for residential or hospital purposes:

- (1) Power-operated models including automobiles, boats and aircraft;
- (2) Sound trucks and public address systems;
- (3) Musical instruments;
- (4) Radios, television sets and phonographs;
- (5) Factory time whistles; and
- (6) Church bells and carillons.

(b) It shall also be unlawful to conduct garbage, yard waste or recycling collection between the hours of 10:00 p.m. and 6:00 a.m. anywhere within the limits of the city.

- (c) It shall be unlawful to play music outside at any time using an intercom system on any property abutting or across the street from property zoned and used for residential purposes, if such music is audible more than ten feet from the property from which the music is operating and it shall be unlawful to play music outside using an intercom system between the hours of 11:00 p.m. and 7:00 a.m. on any property which is abutting or across the street from property zoned and used for residential purposes.

(Code 1970, § 17-8; Ord. No. 1974-67-O, 4-15-1974; Ord. No. 1991-176-O, 7-15-1991; Ord. No. 1991-321-O, 12-16-1991; Ord. No. 1992-164-O, 6-22-1992)

Sec. 17-34. - Animal noise.

- (a) It shall be unlawful for any person to own, keep, have in his possession, or harbor any animal which by frequent or habitual mission or generation of noise shall cause annoyance or disturbance to a reasonable person.
- (b) A person shall not be found to be in violation of this ordinance unless sufficient evidence is presented, which evidence shall include at least one of the following:
- (1) A complaint made by one person, which is accompanied by audio or video recordings depicting ten or more minutes of continuous howling, yelping, barking or otherwise. "Continuous" means that the noise continues with no interruptions or only unreasonably brief interruptions;
  - (2) Complaints made by two or more persons, residing in different households, regarding the same dog(s) and owner(s), keeper(s) or harbinger(s); or
  - (3) A complaint made by one neighbor, but which is corroborated by a responding animal control officer or law enforcement officer who observes howling, yelping, barking or otherwise that would annoy or disturb a reasonable person.

(Code 1970, § 17-9; Ord. No. 1974-67-O, 4-15-1974; Ord. No. 2014-118-O, 8-4-2014)

Sec. 17-35. - Nuisance noises.

- (a) It shall be unlawful to cause or create any unnecessary or unusual noise at any time which annoys, injures, or endangers the comfort, repose, health or safety of others unless such noise is necessary for the protection or preservation of property or of the health, safety, or life of some person.
- (b) No person owning or in possession or control of any building or premises shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises is situated, or be dangerous or detrimental to health.

(Code 1970, § 17-10; Ord. No. 1974-67-O, 4-15-1974)

Sec. 17-36. - Use of noisy equipment.

No licensee hereunder, either by himself, his agent, servant or employee shall operate a baler, crane, pneumatic hammer or derrick, the use of which is attended by loud or unusual noise, in his business before the hour of 7:00 a.m. or after the hour of 10:00 p.m. of each day.

(Rev. Ord. 1936, § 912; Code 1955, § 23-8; Code 1970, § 7-218; Ord. of 5-1-1950)

Sec. 17-37. - Exceptions to regulations.

The following are exempt from the regulations in section 17-36:

- (1) Sirens and bells on emergency vehicles;
- (2) Fire and burglar alarms;
- (3) Emergency management warning systems;
- (4) Train whistles and horns;
- (5) Authorized fireworks displays; and
- (6) Authorized concerts and parades.

(Code 1970, § 17-11; Ord. No. 1974-67-O, 4-15-1974)

Sec. 17-38. - Penalties.

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of these regulations, shall be guilty of an offense.

(Code 1970, § 17-12; Ord. No. 1974-67-O, 4-15-1974)

Sec. 17-39. - Enforcement.

This chapter shall be enforced by both the city police department and the city-county health department.

(Code 1970, § 17-13; Ord. No. 1974-67-O, 4-15-1974)

Sec. 17-40. - Fleeing or attempting to elude a peace officer.

Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer, is guilty of a violation of this section. The signal given by the peace officer may be by hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle. Such requirement shall not preclude the use of amber or white oscillating, rotating or flashing lights in conjunction with red or blue oscillating, rotating or flashing lights as required in Section 12-215 of Chapter 12 of the Illinois Vehicle Code.

(Ord. No. 2011-053-O, § 17-40, 5-2-2011)

Sec. 17-41. - Administrative fees and procedures for impounding vehicles for specified violations.

- (a) The city, in addition to any fees charged for the towing and storage of an impounded vehicle, shall impose on the registered owner of the motor vehicle or the agents of that owner, a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage and release of a vehicle for the following violations:

- (1) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961 (720 ILCS 5/36-1); or
  - (2) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501); or
  - (3) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act (720 ILCS 550/1 et seq.); or
  - (4) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); or
  - (5) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5 or 24-3.1 of the Criminal Code of 1961 (720 ILCS 5/24-1, 720 ILCS 5/24-1.5 or 720 ILCS 5/24-3.1); or
  - (6) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Vehicle Code, (625 ILCS 5/6-303); except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
  - (7) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act (720 ILCS 550/1 et seq.) or the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); or
  - (8) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101); if the period of expiration is greater than one year; or
  - (9) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
  - (10) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Vehicle Code (625 ILCS 5/6-101, 625 ILCS 5/6-303, or 625 ILCS 5/11-501); or
  - (11) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961 (720 ILCS 5/16-1 et seq. or 720 ILCS 5/16A-1 et seq.); or
  - (12) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 when so provided by local ordinance.
- (b) Fees imposed for administrative and processing costs. The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (a):
- (1) All administrative fees and towing charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.
  - (2) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.
  - (3) The fees shall be uniform for all similarly situated vehicles.
  - (4) The fees shall be collected by and paid to the municipality imposing the fees.

- (5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.
  - (6) The administrative fees shall be waived by the city upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.
- (c) Notice of impoundment and opportunity for hearing.
- (1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the municipality.
  - (2) At the time the vehicle is towed, the municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure and of the vehicle's owner's or lessee's right to an administrative hearing.
  - (3) The city shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the city a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.
- (d) Administrative hearing notice. The registered owner or lessee of an impounded vehicle under this section shall be provided with a notice of administrative hearing. The notice shall:
- (1) Be served on the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Illinois Secretary of State.
  - (2) Be served upon interested parties within 10 days after a vehicle is impounded by the city.
  - (3) Contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.
- (e) Administrative hearing. The registered owner or lessee of the vehicle impounded shall have an opportunity for an administrative hearing to contest eligibility for impoundment. The initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing. Administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in Illinois for a minimum of three years. At the hearing, the formal or technical rules of evidence shall not apply. The hearings shall be recorded, and the person conducting the hearing shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons represented at a hearing under this section may be represented by counsel at their expense. At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the city. All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law. Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storing charges are paid. Vehicles not retrieved from the city's towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 the Illinois Vehicle Code. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(Ord. No. 2011-186-O, 12-19-2011)