

CAR TOWED? DON'T LET THE CITY GET AWAY WITH IT!

El Derecho Del Pueblo

Columna de comentario [Disputación de Riesgo Policial](#) abogado y maestro Matthew "Mateo" Katz.

The People's Right

A column of social comment [Disputación](#) and legal advice by attorney and teacher Matthew "Mateo" Katz.

I received a request from a reader about the City of Chicago's abusive, knee-jerk towing of residents' cars. The reader asked the following questions:

"What can you do to fight a wrongful tow?"

There are basically two things you can do: (1) request a hearing with the City and (2) if that hearing is decided against you, file a lawsuit against the City.

By law, you have a right to a hearing if your vehicle is impounded. This right is afforded by Chicago Municipal Ordinance 9-92-080, which you can read online on the City of Chicago's website at egov.cityofchicago.org. This ordinance allows you to request a hearing be held within 24 hours of your car being towed. The city must afford you this right and grant you a hearing the following day, unless a Saturday, Sunday or legal holiday is the next day.

If you don't want a hearing the next day or you don't immediately request a hearing, you can request a hearing at any time within fifteen days after the impounding of your vehicle.

"Where do I request a hearing?"

Visit or call any of the four City of Chicago auto pound locations: 400 E. Wacker Dr., O'Hare Airport Remote Lot E, 103rd and Doty Avenue, or 701 N. Sacramento or call 311, the City's information line.

"What does it mean to contest the 'validity of the tow'?"

This simply means that at the hearing, you have the opportunity to argue before an impartial officer that your car was wrongly towed, that it was removed without a valid reason. A valid reason can be one of three things: (1) a parking violation where a posted sign notified drivers of a prohibition; (2) to clear space for a car that was in an accident; (3) to remove an abandoned vehicle. If you believe the tow was for any other reason, or that any of these reasons were not sufficiently justified, say, because an ordinance was misapplied by the police or the towing company, you can certainly argue this.

"Why isn't it a violation of your right against being charged twice for the same offense when you have a ticket hearing and a tow hearing?"

This question refers to the 5th Amendment to the U.S. Constitution, in which the clause reads: "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb". This right refers to criminal prosecutions. The enforcement of a municipal fee for violations of a city ordinance is not a criminal prosecution, thus the 5th Amendment "double jeopardy clause" does not apply! Sorry. Also, the parking violation for which a ticket contest is for the car owner to contest the parking citation, the tow hearing exists to contest the tow! How annoying, right!?

Finally, if you are so fed up with the City of Chicago and you haven't been able to find justice at any of these hearings, sue them! You may file suit in the Circuit Court of Cook County by going to the 6th Floor of the Daley Center at 50 W. Washington. There's even a help desk for "pro se" litigants or people suing without a lawyer.