

ORDINANCE 2019-134

**AN ORDINANCE CREATING A PROCESS FOR THE ADMINISTRATIVE
ADJUDICATION OF ORDINANCE VIOLATIONS IN THE VILLAGE OF VERNON
HILLS, ILLINOIS**

WHEREAS, the Village of Vernon Hills (“Village”) is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the Village’s powers as a home rule municipality and pursuant to the express grant of authority as set forth in Division 2.1 of Article I of the Illinois Municipal Code (65 ILCS 5/1-2.1-1 et seq.), and the Illinois Vehicle Code (625 ILCS 5/11-208), inter alia, which allow the Village to provide by ordinance for a system of administrative adjudication of certain violations of the Village of Vernon Hills Code of Ordinances (the “Village Code”); and

WHEREAS, the corporate authorities of the Village have determined that it is in the best interests of the Village that a system of administrative adjudication of Village Code violations be created, as a non-exclusive method of enforcing the various provisions of the Village Code; and

WHEREAS, the purpose of this Ordinance is to provide for fair and efficient enforcement of the Village Code as may be allowed by law and directed by ordinance, through the administrative adjudication of violations of the Village Code and by establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois as follows:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Amendments to Village Code. The Code of Ordinances of the Village of Vernon Hills shall be amended as follows:

Chapter 22, “Traffic and Motor Vehicles” of the Code of Ordinances shall be amended by the deletion of Article III, Division 4 “Administrative Adjudication” in its entirety.

Chapter 22, Article II, Division 2 of the Village of Vernon Hills Code of Ordinances is hereby amended as follows:

Section 22-90 – ~~Careless and~~ Negligent or Distracted Driving

~~No person shall operate any vehicle without due caution, or in a careless or negligent manner so as to endanger or be likely to endanger any person or property.~~

- (a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DISTRACTED: To disregard road conditions and other vehicular and pedestrian traffic by not paying full attention to the operation of a motor vehicle while operating on a public highway.

NEGLIGENT: Without due care and caution, or without due regard to the width, grade, curves, corners, traffic and other attendant conditions of streets, highway, roads, or other ways used for vehicular traffic within the village limits.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

- (b) It shall be unlawful for any person to operate a vehicle in a negligent or distracted manner within the village limits.

Chapter 22, Article III, Division 1, Section 256, of the Village of Vernon Hills Code of Ordinances is hereby amended, to create a new Subsection (c), to read as follows:

Sec. 22-256. - Prohibited in specified places.

[...]

(c) No person shall stand or park a vehicle, whether occupied or not, for any reason or at any time, within a designated fire lane.

A new Chapter 28, “Ordinance Enforcement Through Administrative Adjudication of Municipal Code Violations” shall be created, to read as follows:

Sec. 28-1 – Purpose.

The stated purpose of this section is to provide a method for fairly and efficiently enforcing the Village's Code of Ordinances through citations issued by any Village department for any Village of Vernon Hills Code of Ordinances violations, including, but not limited to, the various sections of the Code of Ordinances indicated below, except for (i) an offense that is a traffic regulation governing the movement of vehicles; or (ii) any reportable offenses under Section 6-204 of the Illinois Vehicle Code, as may be allowed by law through an administrative adjudication of violations of the Village's Code of Ordinances, including and establishing a schedule of fines and penalties and authority for collection of unpaid fines and penalties.

For purposes of this division "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

Sec. 28-2 – Adoption.

To accomplish the foregoing purpose, Division 2.1 of Article I of the Illinois Municipal Code (65 ILCS 5/1-2.1-1 et seq.) and Division 31.1 of Article I of the Illinois Municipal Code (65 ILCS 5/11-31.1-1 et seq.) are hereby adopted in their current forms and as they may be amended from time to time for adjudication of municipal ordinance violations, including building code violations, to the extent permitted by the Illinois Constitution.

Sec. 28-3 – Code.

As used in this section, unless the context requires otherwise, "Code" means the entire Village of Vernon Hills Code of Ordinances; and any Village ordinance, including, but not limited to, the zoning code (Appendix C); any ordinance, law, housing or building code, that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in the Village or any Village ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris; the removal of inoperable vehicles or the abatement of nuisances from private property; the vehicle seizure and impoundment ordinance; public peace and safety laws; vehicles and traffic laws, except for: (i) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and (ii) except for a reportable offense under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).

Sec. 28-4 – Fines for Violations, Community Service.

- A. Fine Amount and Class. The violations of the Village of Vernon Hills Code of Ordinances, and set forth in the below table, and described in a violation notice, may be settled, compromised and paid in the respective amounts and within the respective time frames set forth in the table of offenses and fines shown in the tables below. Within such an agreed disposition, and upon a finding of guilt, default or no contest, the Hearing Officer shall impose the following:
- a. Restitution (if applicable);
 - b. A Hearing Fee of \$25 plus any other costs and attorneys' fees (if any) associated with any hearing or action to enforce or obtain compliance with any Ordinance; and
 - c. Mandatory Minimum Fines and Penalties as follows:

CLASS 1 OFFENSES

TOPIC	Municipal Code	Offense	Minimum Fine
ANIMALS	4-4	Keeping of certain animals prohibited; exceptions	\$25
ANIMALS	4-6	Birds protected	\$25
ANIMALS	4-7	Dangerous, wild or vicious animals	\$25
ANIMALS	4-8	Leash required	\$25
ANIMALS	4-9	Enticement from property	\$25
ANIMALS	4-12	Animal bites; confinement and observation for signs of disease; disposition	\$25
ANIMALS	4-13	Keeping or confining animals; sanitation and structural standard	\$25
ANIMALS	4-14	Keeping of bees	\$25
ANIMALS	4-42	Control of dogs and cats on public and private property	\$25
ANIMALS	4-43	Running at large or presence in certain areas—Prohibited	\$25
ANIMALS	4-44	Impoundment of animal	\$25
ANIMALS	4-45	Noisy animals	\$25
ANIMALS	4-46	Number restricted	\$25
ANIMALS	4-47	Vaccination required; exceptions	\$25
ANIMALS	4-48	Certificate of vaccination and tag required; penalties; disposition of untagged dogs and cats	\$25
GARBAGE AND REFUSE	9-7(a)	Littering	\$25

GARBAGE AND REFUSE	9-45(a)	Garbage pickup hours (7a-7p)	\$25
OFFENSES AGAINST PUBLIC PEACE	14-228	Garage sales	\$25
SIGNS	19-4	Posting of Temporary Signs (construction, garage, etc.)	\$25
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	20-3	Encroachment or obstruction of public property	\$25
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES	20-31	Excavation in streets, public ways	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Prohibited in specified places	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	On Parkway	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Blocking sidewalk, intersection, crosswalk	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Within 15 ft. of fire hydrant	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Within 20 ft. of crosswalk	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Within 30 ft. of stop sign, yield sign, traffic control signal	\$25

TRAFFIC AND MOTOR VEHICLES	22-256	Where official signs prohibit (shopping centers, associations, other)	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Commercial vehicles in residential area (over 2-hours)	\$25
TRAFFIC AND MOTOR VEHICLES	22-257	Street cleaning	\$25
TRAFFIC AND MOTOR VEHICLES	22-260	Parking left wheel to curb / more than 12 inches from curb	\$25
TRAFFIC AND MOTOR VEHICLES	22-261	Parked on street with FOR SALE sign	\$25
TRAFFIC AND MOTOR VEHICLES	22-262	Loading zone	\$25
TRAFFIC AND MOTOR VEHICLES	22-263	Overnight parking (2a-6a)	\$25
TRAFFIC AND MOTOR VEHICLES	22-264	Alleys	\$25
TRAFFIC AND MOTOR VEHICLES	22-265	Cab stands; bus stands	\$25
TRAFFIC AND MOTOR VEHICLES	22-266	Parking motor vehicles on private property	\$25
TRAFFIC AND MOTOR VEHICLES	22-271	Parking at Vernon Hills High School (unless otherwise posted)	\$25

TRAFFIC AND MOTOR VEHICLES	22-272	Commuter parking facilities (unless otherwise posted)	\$25
TRAFFIC AND MOTOR VEHICLES	22-256	Fire Lane	\$25
TRAFFIC AND MOTOR VEHICLES	22-293	Parking rules	\$25
TRAFFIC AND MOTOR VEHICLES	22-321	No parking during snow removal	\$25
TRAFFIC AND MOTOR VEHICLES	22-325	Obstruction of snow removal	\$25
TRAFFIC AND MOTOR VEHICLES	22-386	Application of rules	\$25
TRAFFIC AND MOTOR VEHICLES	22-387	Traffic laws apply to persons riding bicycles	\$25
TRAFFIC AND MOTOR VEHICLES	22-388	Manner of riding on bicycles	\$25
TRAFFIC AND MOTOR VEHICLES	22-389	Clinging to vehicles	\$25
TRAFFIC AND MOTOR VEHICLES	22-390	Riding bicycles and motorized pedal cycles on roadways and bicycle paths	\$25
TRAFFIC AND MOTOR VEHICLES	22-391	Carrying articles	\$25

TRAFFIC AND MOTOR VEHICLES	22-392	Lamps, other equipment on bicycles.	\$25
TRAFFIC AND MOTOR VEHICLES	22-393	Lamps on motorized pedal cycles	\$25
TRAFFIC AND MOTOR VEHICLES	22-426	Obedience to traffic-control devices and traffic regulations	\$25
TRAFFIC AND MOTOR VEHICLES	22-427	Right-of-way at crosswalks	\$25
TRAFFIC AND MOTOR VEHICLES	22-428	Use of crosswalks required	\$25
TRAFFIC AND MOTOR VEHICLES	22-429	Pedestrians to use right half of crosswalks	\$25
TRAFFIC AND MOTOR VEHICLES	22-430	Crossing at other than crosswalks	\$25
TRAFFIC AND MOTOR VEHICLES	22.431	Drivers to avoid colliding with pedestrians	\$25
TRAFFIC AND MOTOR VEHICLES	22-432	Blind, hearing impaired or physically handicapped pedestrian right-of-way	\$25
TRAFFIC AND MOTOR VEHICLES	22-433	Soliciting rides or business	\$25
TRAFFIC AND MOTOR VEHICLES	22-434	Walking on streets	\$25

TRAFFIC AND MOTOR VEHICLES	22-435	Right-of-way on sidewalks	\$25
TRAFFIC AND MOTOR VEHICLES	22-436	Yield to authorized emergency vehicles	\$25
TRAFFIC AND MOTOR VEHICLES	22-437	Pedestrians under influence of alcohol or drugs	\$25
TRAFFIC AND MOTOR VEHICLES	22-438	Bridge and railroad signals	\$25
TRAFFIC AND MOTOR VEHICLES	22-568	Disposal required	\$25
TRAFFIC AND MOTOR VEHICLES	22-273	Abandoned vehicles; disposal required	\$25
TRAFFIC AND MOTOR VEHICLES	4.7.4.2	Recreation vehicle parking; residential area	\$25

CLASS 2 OFFENSES

<u>TOPIC</u>	<u>Municipal Code</u>	<u>Offense</u>	<u>Minimum Fine</u>
TOBACCO & SMOKING	10-73	Possession by persons under 21	\$50
MINORS	12-47	Curfew Hours	\$50
MINORS	12-48	Unlawful permission	\$50
CURFEW	12-71	Hours	\$50

CURFEW	12-74	Unlawful permission	\$50
CANNABIS	14-2	Distribution of handbills	\$50
CRIMINAL TRESPASS	14-106	Unlawful deposit of material; discharge of subsurface water	\$50
CRIMINAL TRESPASS	14-107	Posting handbills on fences or buildings	\$50
OFFENSES AGAINST PUBLIC PEACE	14-222	Sleeping in public place	\$50
OFFENSES AGAINST PUBLIC PEACE	14-223	Occupation of streets without authority	\$50
OFFENSES AGAINST PUBLIC PEACE	14-225	Use of public property for amusements	\$50
OFFENSES AGAINST PUBLIC PEACE	14-226	Noise—Generally	\$50
OFFENSES AGAINST PUBLIC PEACE	14-226(9)	Construction noise (M-F 7a-7p, Sat 8:30a-5p)	\$50
OFFENSES AGAINST PUBLIC PEACE	14-227	Train whistles, train horns	\$50
OFFENSES AGAINST PUBLIC SAFETY	14-315	Spiked railings, fences prohibited	\$50
OFFENSES AGAINST PUBLIC SAFETY	14-317	Climbing telephone poles	\$50
OFFENSES AGAINST	14-318	Abandonment of refrigerators or iceboxes in places accessible to	\$50

PUBLIC SAFETY		children	
OFFENSES AGAINST PUBLIC SAFETY	14-319	Fireworks - sell, offer for sale, give away, possess, use, or store	\$50
CURFEW	14-351	Public property generally	\$50
CURFEW	14-352	Kiddie Korral	\$50
PEDDLERS AND SOLICITORS	15-4	Peddlers and solicitors shall depart when asked to do so	\$50
PEDDLERS AND SOLICITORS	15-5	Unlawful conduct	\$50
PEDDLERS AND SOLICITORS	15-6	Hours of solicitation and peddling (10a-8p)	\$50
PEDDLERS AND SOLICITORS	15-7	Solicitation and peddling on streets and highways	\$50
PEDDLERS AND SOLICITORS	15-8	Noise forbidden	\$50
PEDDLERS AND SOLICITORS	15-40	Required; possession, return upon expiration required	\$50
TRAFFIC AND MOTOR VEHICLES	25/4	No child restraint seat	\$50
TRAFFIC AND MOTOR VEHICLES	25/4a	Failure to secure a child 8-15 in a seat belt	\$50
TRAFFIC AND MOTOR VEHICLES	25/4b	Failure to secure a child 8-18 by a driver under 19 years	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-101	Unsafe vehicle (multiple equipment violations)	\$50

TRAFFIC AND MOTOR VEHICLES	5/12-111	No valid safety test	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-201(a)	Driving without lighted lamp - motorcycle	\$50
TRAFFIC AND MOTOR VEHICLES	22-503	Failure to Display lights when required	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-201(b)	No red taillight / Only one red taillight	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-201(c)	No rear registration plate light	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-202	ID side lamps	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-203	Insufficient lamps parked vehicle	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-204	Improper lamp or flag on projected load	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-205	Lamps on other vehicle or equipment	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-207	Improper use of auxiliary lighting	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-208	No signal lamp or signal device - no stop light	\$50

TRAFFIC AND MOTOR VEHICLES	5/12-210	Failure to dim headlights	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-211	Improper lighting - one headlamp	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-212	Illegal lights - red or flashing	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-212(c)	Illegal use of lights other than expressly authorized by IVC	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-215	Illegal use of oscillating/rotating/flashing lights	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-301	Defective or no brakes	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-401	Illegal tires	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-405	Unsafe tires	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-501	No windshield	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-502	No rear view mirror	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-503	Obstructed view tinted window, also used for cracked windshield	\$50

TRAFFIC AND MOTOR VEHICLES	5/12-503(a)	Tinted windshield or illegal front side window tinting	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-503(c)	Obstructed windshield, side, and/or rear windows	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-503(d)	No wipers obstructed view	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-503(d)	Obstructed windows; snow, ice or other material	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-503(e)	Defective windshield	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-503(e)	Defective windshield, side and/or rear window	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-601(a)	Defective horn	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-601(b)	Unlawful use of siren	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-602	Muffler loud, excessive noise, no muffler	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-603	No seat belts in vehicle	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-603.1	Failure to wear seat belts (driver and front seat passenger)	\$50

TRAFFIC AND MOTOR VEHICLES	5/12-604	Television visible to driver	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-606	Vehicle suspension system	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-608(a)	No bumper/unlawful bumper height	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-610	Wearing headset while driving	\$50
TRAFFIC AND MOTOR VEHICLES	22-90	Negligent or Distracted Driving	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-611	Illegal operation of sound amplification system, audible at 75+ feet	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-702A	No flares/flares device	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-702C	No flags/flares warning device	\$50
TRAFFIC AND MOTOR VEHICLES	5/12-707	Overloaded any vehicle for hire	\$50
TRAFFIC AND MOTOR VEHICLES	5/15-102	Over width	\$50
TRAFFIC AND MOTOR VEHICLES	5/15-105	Improper projecting load	\$50

TRAFFIC AND MOTOR VEHICLES	5/15-106	Loose protruding load	\$50
TRAFFIC AND MOTOR VEHICLES	5/15-107	Over length	\$50
TRAFFIC AND MOTOR VEHICLES	5/15-109.1	Vehicle with load blowing/dropping/failing	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-112	Failure to transfer title	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-401	No valid registration	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-413(a)	No front/rear registration plate	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-413(b)	Improper display of license plate	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-413(b)	Improper display of registration (tinted or obscured plastic covers)	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-413(f)	Expired plate	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-416	Failure to notify S.O.S. of name/address change of registration	\$50
TRAFFIC AND MOTOR VEHICLES	5/3-701	Operating vehicle without evidence of registration	\$50

TRAFFIC AND MOTOR VEHICLES	5/3-801	Failure of new resident to apply for registration	\$50
TRAFFIC AND MOTOR VEHICLES	5/6-101	Expired Driver's License (less than 1 year)	\$50
TRAFFIC AND MOTOR VEHICLES	5/6-112	Failure to display Driver's License	\$50
TRAFFIC AND MOTOR VEHICLES	5/6-116	Failure to notify S.O.S. of name/address change of driver's license	\$50

CLASS 3 OFFENSES

<u>TOPIC</u>	<u>Municipal Code</u>	<u>Offense</u>	<u>Minimum Fine</u>
ALCOHOLIC LIQUOR CONTROL	3-25(a)	Purchase, obtain, possess or consume liquor by minor	\$100
ANIMALS	4-5	Cruelty to animals	\$100
TOBACCO & SMOKING	10-72	Purchase by persons under 21	\$100
OFFENSES AGAINST PUBLIC PEACE	14-216	Permitting unlawful assemblage on premises	\$100
OFFENSES AGAINST PUBLIC PEACE	14-217	Disturbing religious worship	\$100
OFFENSES AGAINST PUBLIC PEACE	14-218	Disturbing lawful assemblage or election	\$100

OFFENSES AGAINST PUBLIC PEACE	14-219	Disturbing funeral procession	\$100
OFFENSES AGAINST PUBLIC PEACE	14-220	Congregating; blocking passage	\$100
OFFENSES AGAINST PUBLIC PEACE	14-221	Obstruction of street or sidewalk	\$100
OFFENSES AGAINST PUBLIC SAFETY	14-314	Getting on train in motion	\$100
OFFENSES AGAINST PUBLIC SAFETY	14-320	Watercraft prohibited	\$100
TRAFFIC AND MOTOR VEHICLES	22-297	Tampering with meters	\$100

CLASS 4 OFFENSES

<u>TOPIC</u>	<u>Municipal Code</u>	<u>Offense</u>	<u>Minimum Fine</u>
ALCOHOLIC LIQUOR CONTROL	3-25(b)	Misrepresenting age by minor	\$150
ALCOHOLIC LIQUOR CONTROL	3-25(f)	Illegal liquor access	\$150
CANNABIS	14-1	Possession of cannabis	\$150
CANNABIS	14-3	Drug paraphernalia	\$150
CANNABIS	14-	Possession of drug paraphernalia	\$150

		3(b)(1)		
CANNABIS		14-3(b)(2)	Sale or delivery of drug paraphernalia	\$150
WEAPONS		14-4	Weapon and firearm responsibility	\$150
WEAPONS		14-5	Firearm trigger locks	\$150
FALSE ALARM		14-40	False alarm of fire or need for police or ambulance	\$150
ASSAULT		14-71	Assault	\$150
BATTERY		14-72	Battery	\$150
RECKLESS CONDUCT		14-73	Reckless conduct	\$150
CRIMINAL TRESPASS		14-101	Criminal damage to property	\$150
CRIMINAL TRESPASS		14-102	Criminal trespass	\$150
CRIMINAL TRESPASS		14-103	Turning hose or hydrant on person or property	\$150
CRIMINAL TRESPASS		14-104	Meter tampering	\$150
CRIMINAL TRESPASS		14-105	Trespassing on grass, lawn or flowers	\$150
CRIMINAL TRESPASS		14-108	Deceptive practices	\$150
THEFT OF PROPERTY, LABOR OR SERVICES		14-132	Theft, Theft By Deception, Possession of Stolen Property	\$150
THEFT OF PROPERTY, LABOR OR		14-133	Theft by lessee	\$150

SERVICES				
THEFT OF PROPERTY, LABOR OR SERVICES	14-134	Theft of lost or mislaid property	\$150	
THEFT OF PROPERTY, LABOR OR SERVICES	14-135	Theft of labor or services or use of property	\$150	
THEFT OF PROPERTY, LABOR OR SERVICES	14-137	Theft from Coin-operated machines	\$150	
THEFT OF PROPERTY, LABOR OR SERVICES	14-138	Possession of key to coin-operated device	\$150	
THEFT OF PROPERTY, LABOR OR SERVICES	14-177	Offense of retail theft	\$150	
OFFENSES AGAINST PUBLIC PEACE	14-211	Disorderly conduct	\$150	
OFFENSES AGAINST PUBLIC PEACE	14-211(2)	False police report	\$150	
OFFENSES AGAINST PUBLIC PEACE	14-211(3)	Peeping tom	\$150	
OFFENSES AGAINST PUBLIC PEACE	14-212	Profane or obscene language	\$150	

OFFENSES AGAINST PUBLIC PEACE	14-213	Fighting	\$150
OFFENSES AGAINST PUBLIC PEACE	14-214	Mob Action	\$150
OFFENSES AGAINST PUBLIC PEACE	14-215	Aiding in breach of the peace	\$150
OFFENSES AGAINST PUBLIC MORALS	14-282	Public indecency	\$150
OFFENSES AGAINST PUBLIC MORALS	14-283	Gambling	\$150
OFFENSES AGAINST PUBLIC MORALS	14-284	Harmful material	\$150
OFFENSES AGAINST PUBLIC MORALS	14-285	Obscene material	\$150
OFFENSES AGAINST PUBLIC SAFETY	14-311	Discharge of projectiles; possession of air gun in public by person under 18 years	\$150
OFFENSES AGAINST PUBLIC SAFETY	14-312	Unlawful use/possession of weapons	\$150
OFFENSES AGAINST	14-313	Scaffolds to be properly secured	\$150

PUBLIC SAFETY			
OFFENSES AGAINST PUBLIC SAFETY	14-316	Hunting in village prohibited	\$150

CLASS 5 OFFENSES

<u>TOPIC</u>	<u>Municipal Code</u>	<u>Offense</u>	<u>Minimum Fine</u>
ALCOHOLIC LIQUOR CONTROL	CHAPTER 3	ALCOHOLIC LIQUOR CONTROL	\$250
ALCOHOLIC LIQUOR CONTROL	3-3	License required; display	\$250
ALCOHOLIC LIQUOR CONTROL	3-22(d)	Location restrictions on alcohol consumption	\$250
ALCOHOLIC LIQUOR CONTROL	3-25	Offenses and restrictions involving minors (unless otherwise stated)	\$250
ALCOHOLIC LIQUOR CONTROL	3-26	Prohibited conduct	\$250
ALCOHOLIC LIQUOR CONTROL	3-27	Sale to intoxicated persons, habitual drunkards, mentally ill persons	\$250
ALCOHOLIC LIQUOR CONTROL	3-28	Gambling, narcotics and other violations on the premises	\$250
ALCOHOLIC LIQUOR	3-34	BASSET training program	\$250

CONTROL			
ALCOHOLIC LIQUOR CONTROL	3-35	Parental responsibility	\$250
ALCOHOLIC LIQUOR CONTROL	3-37	Dispensation and delivery of alcoholic liquor	\$250
TOBACCO & SMOKING	10-69	Prohibited sales or delivery	\$250
TOBACCO & SMOKING	10-70	Posting of signs	\$250
TOBACCO & SMOKING	10-71	Minimum age to sell tobacco products, e-cigarettes or alternative nicotine products (21)	\$250
TOBACCO & SMOKING	10-74	Certain free distributions prohibited	\$250
TOBACCO & SMOKING	10-75	Machines to be inaccessible to persons under 21	\$250
TOBACCO & SMOKING	10-96	Required	\$250
TOBACCO & SMOKING	10-100	Posting	\$250
TOBACCO & SMOKING	10-103	Use of premises after revocation	\$250
MASSAGE ESTABLISHMENTS,	10-122	Zoning and location requirements	\$250
MASSAGE ESTABLISHMENTS, MASSAGE	10-123	Building requirements	\$250

MASSAGE ESTABLISHMENTS, MASSAGE	10-124	Operating requirements	\$250
MASSAGE ESTABLISHMENTS, MASSAGE	10-125	Employment of persons under the age of 18	\$250
MASSAGE ESTABLISHMENTS, MASSAGE	10-126	Advertising	\$250
MASSAGE ESTABLISHMENTS, MASSAGE	10-146	Required	\$250
MASSAGE ESTABLISHMENTS, MASSAGE	10-155	Display	\$250
MASSAGE ESTABLISHMENTS, MASSAGE	10-156	Revocation	\$250
Fireworks Displays	10-222	Permit Required	\$250
Fireworks Displays	10-223	Application	\$250
Fireworks Displays	10-224	Display of permit	\$250
Fireworks Displays	10-226	Indoor fireworks use prohibited	\$250
TRAFFIC AND MOTOR VEHICLES	22-267	Handicapped parking	\$250
Food & Beverage Tax	21	Food & Beverage Tax - failure to submit return or remit tax when due	\$250 plus 50% of tax due

- B. Increase in Fine Amount if Unpaid. If a person who receives a Citation or Notice of Violation fails to appear or timely request a hearing, or if any fine remains unpaid for more than ten (10) days after being assessed by the Hearing Officer, then the person receiving the Citation or Notice of Violation shall be assessed as a penalty, a late fee as follows:

Type of Offense	Amount of Late Fee
Class 1	\$25
Class 2	\$25
Class 3	\$50
Class 4	\$50
Class 5	\$150

- C. No fine, exclusive of late fees, costs, attorneys fees and/or restitution, shall be imposed pursuant to this Ordinance in excess of Fifteen Hundred Dollars (\$1,500.00) except in relation to violations of: Chapter 3 - Liquor Code, Chapter 5 - Building Code, Chapter 10 - Licenses & Permits, Chapter 21 - Taxation, Appendix C - the Zoning Code, or as otherwise provided by Ordinance.
- D. Deferred Prosecution may be offered as a term or condition of the disposition of any matter subject to administrative adjudication, under the discretion of the Village Prosecutor. The person receiving a deferred prosecution for the offense may receive a term of community service, be required to pay a fine, participate in a recommended court diversion program as offered by the Village prosecutor, and comply with any other terms of the deferred prosecution agreement as agreed to by the person and the Village Prosecutor. Upon successful completion of the terms of the deferred prosecution agreement, the citation will be dismissed by the Village Prosecutor.
- E. Community Service may be offered to a person who receives a citation under the Code of Ordinances, whether in the terms of a deferred prosecution agreement or as a disposition of a citation, including in combination with a fine. Such service shall be performed at a not-for-profit organization, at the discretion and approval of the hearing officer. Persons who are assigned Community Service shall return proof of completed hours of service on written letterhead bearing the name of the not-for-profit, the dates and hours of service, and contact information for a representative of the organization.

Sec. 28-5 – Establishment.

Each applicable department within the Village shall appoint an ordinance enforcement and code hearing adjudication administrator approved by the Village Manager, who shall administer ordinance enforcement and Code hearings, as from time to time authorized by the Village Board. Collectively, these administrators shall be known as the ordinance enforcement and code hearing unit.

Sec. 28-6 – Function and Jurisdiction.

The function of the ordinance enforcement and code hearing units is to:

1. Recommend rules and regulations reasonably required to manage the administrative hearing system;
2. Adopt, distribute and process all notices as may be required under this Chapter;
3. Collect payments made as a result of fines and/or penalties assessed after final determination of liability;
4. Keep accurate records of appearance and nonappearance at hearings, pleas entered, fines and other penalties assessed and paid;
5. Certify copies of final determination of violation adjudications pursuant to this Chapter or the laws of the State of Illinois, as from time to time amended;
6. To expedite the prosecution and correction of all Code violations, in the manner set forth herein;
7. Under this section, the ordinance enforcement and code hearing unit may adjudicate any violation of the Code, except for any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).

Sec. 28-7 – Organization and Composition.

Hearing officers, ordinance enforcement and code hearing administrators, and hearing room personnel, shall be appointed by the village manager or his or her designee, with the power and authority as hereinafter set forth:

1. "Hearing officer" means the person whose duty it is to:
 - a. Preside at an administrative hearing called to determine whether or not a Code violation exists and administer oaths and affirmations;
 - b. Hear testimony and accept evidence from all interested parties relevant to the existence of a Code violation;
 - c. Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
 - d. Issue and sign a written finding, decision, and order stating whether a Code violation exists.
 - e. Impose penalties, sanctions or such other relief consistent with applicable ordinance provisions and assessing costs upon finding a party liable for the

charged violation; except, however, that in no event shall the hearing officer have authority to impose a penalty of incarceration or impose a fine in excess of one thousand dollars for a violation.

2. Hearing Officer Qualifications. Prior to conducting proceedings under this section, the hearing officer shall successfully complete a formal training program approved by the Village Manager and the Village Attorney that includes the following:
 - a. Instruction on the rules of procedure of the hearing that they will conduct;
 - b. Orientation to each subject area of the code violations that they will administer;
 - c. Observation of administrative hearings; and
 - d. Participation in hypothetical cases, including rules on evidence and issuing final orders.

In addition, every hearing officer must be an attorney licensed to practice law in the state of Illinois for at least three years and be in good standing with the Illinois Supreme Court's Attorney Registration and Disciplinary Commission.

3. Independent Contractor. A hearing officer shall be appointed by the Village President with the consent of the Village Board. The hearing officer shall be employed as an independent contractor of the Village and shall not be considered an employee of the Village. A hearing officer may be removed with or without cause by the Village President.
4. The ordinance enforcement and code hearing administrators are authorized and directed to:
 - a. Operate and manage the system of administrative adjudication of Village ordinance violations as may be permitted by law and directed by ordinance;
 - b. Promulgate such rules and regulations reasonably required to operate and maintain such system;
 - c. Supervise the distribution and processing of notices as may be required under this section or as may be reasonably required to carry out the purpose of this section;
 - d. Supervise the collection of moneys paid as fines and/or penalties assessed after a final determination of liability;
 - e. Pursue all post-judgment remedies available by law.
5. The ordinance enforcement and code hearing administrators are hereby authorized and directed to operate and maintain any computer programs for the administrative adjudication system hereby created, on a day-to-day basis, including but not limited to:
 - a. Input of ordinance violation notice information;
 - b. Establishing court dates and notice dates;

- c. Recording determination of liability, fine and penalty assessment and payments;
 - d. Issuing payment receipts;
 - e. Issuing succeeding notice of hearing dates and/or final determination of liability in accordance with the provisions hereinafter set forth;
 - f. Keeping accurate records of appearances and nonappearances at administrative hearings, pleas entered, judgments entered, sanctions imposed, if any, fines and penalties assessed and paid;
 - g. Collecting unpaid fines and penalties and direct the pursuit of all post-judgment remedies available by law; and
 - h. Performing such other duties as directed by the village manager and/or his or her designee.
6. The hearing room personnel shall be qualified police officers who are hereby authorized and directed to:
- a. Maintain hearing room decorum;
 - b. Have and execute authority as is granted to courtroom deputies of the Circuit Court; and
 - c. Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or ordinance enforcement and code hearing administrator.

Sec. 28-8 - Complaints and Notices of Hearings.

- A. A proceeding before an Administrative Hearing Officer shall be instituted upon the filing of a written sworn pleading or complaint by any authorized official of the Village, including police officers, code enforcement officers, and such other employees as authorized.
- B. Respondents shall be served with a copy of the written sworn pleading or complaint along with a notice advising the person or entity of their opportunity to request an adjudicatory hearing, or whether one is required, in any manner reasonably calculated to give them actual notice of the proceeding instituted against them including:
 - i. personal service upon a party or its employees or agents;
 - ii. service by first class mail, certified mail return receipt requested, express mail or overnight mail, at the party's address;
 - iii. service by posting a copy of the sworn pleading or complaint upon the property where the violation is found when the party is the owner or manager of the property.
- C. Notices of an adjudicatory hearing shall include:

- i. the type and nature of the ordinance violation to be adjudicated;
- ii. the date and location of the adjudicatory hearing;
- iii. the legal authority and jurisdiction under which the hearing is to be held; and
- iv. the penalties for failure to appear at the hearing.

Sec. 28-9 - Administrative Hearing Procedures.

- A. Hearings shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency situations, if requested by the respondent, the respondent shall have at least 15 days after service of process to prepare for a hearing. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, health or welfare. If service is provided by mail, the 15-day period shall begin to run on the day that the notice is deposited in the mail.
- B. All hearings shall be open to the public and conducted before an Administrative Hearing Officer.
- C. The Village need not be represented by a Village employee, police officer or other complaining witness; however documentary evidence including the Notice of Violation, complaint and attached exhibits may be presented by the Administrative Hearing Officer with such documents being self-proving and self-authenticating.
- D. Any person appearing on behalf of the Respondent shall file with the Administrative Hearing Officer a written appearance on a form provided by the Administrative Hearing Division.
- E. All testimony shall be given under oath or affirmation.
- F. With regard to testimony heard and evidence presented, the formal and technical rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this section. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All oral testimony shall be given under oath or affirmation.
- G. Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the Administrative Hearing Officer to issue subpoenas to direct the attendance and testimony of a relevant witness and the production of relevant documents. Issuance of the subpoena shall be at the discretion of the Administrative Hearing Officer where it is determined the witness or documents are material and do not constitute a needless presentation of cumulative or repetition

evidence.

- H. No continuances shall be authorized by the hearing officer in proceedings under this section except in cases where a continuance for good cause is absolutely necessary to protect the rights of the alleged violator. Lack of preparation shall not be grounds for a continuance.
- I. No violations may be established except by proof by a preponderance of the evidence; however, the Notice of Violation, or a copy hereof, issued and signed in accordance with state law shall be prima facie evidence of the correctness of the facts specified therein.
- J. Upon the conclusion of a hearing, the Administrative Hearing Officer shall issue a final determination of liability or no liability. Upon issuance, the Administrative Hearing Officer may impose penalties and or fines that are consistent with applicable provisions of the Code of Ordinance, impose a term of community service, assess costs reasonable related to instituting the administrative adjudication proceeding, and, if applicable, order the respondent to immediately correction of the violation.

Sec. 28-10 - Special Administrative Adjudication Procedures Relating to Traffic Regulations Concerning the Standing, Parking of Condition of Vehicles, Automated Traffic Law Violations and Automated Speed Enforcement System Violations.

A. Special Procedures for Issuing Violations.

The system of administrative adjudication of vehicular standing, parking, and compliance regulation violation(s) shall be in accordance with the following procedures and final determination(s) of liability. Validity of notice of impending impoundment, validity of notice of impending drivers license suspension, impoundment of vehicle and collections shall be made only in accordance with the provisions set forth below:

- i. Violation notice. Vehicular standing, parking, and compliance regulation violation(s) notice(s) ("violation notice"(s)) shall be issued by the person(s) authorized herein and shall contain information and shall be served, certified and have evidentiary admissibility as is hereinafter set forth.
- ii. Authorization. All full-time, part-time, auxiliary police and community service officers, as well as, other specifically appointed individuals shall have the authority to issue violation(s) notices.
- iii. Detection of violations. Any individual authorized hereby to issue violation(s) notices and who detects a violation of any section of any applicable municipal ordinance, shall issue a Notice of Violation thereof and shall make service thereof as is hereinafter set forth.
- iv. Violation Notice. The vehicular standing, parking, and compliance regulation

"violation notice" shall contain, but shall not be limited to, the following information:

- a. The date, time and place of the violation (date of issuance).
- b. The particular vehicular standing, parking, or compliance regulation violated.
- c. Vehicle make and state registration number.
- d. The fine and any penalty which may be assessed for late payment.
- e. The actual or electronic signature, or facsimile thereof, and identification number of the person issuing the notice.
- f. A section entitled "Request for Hearing" which shall clearly set forth that the registered owner or lessee may appear at an administrative hearing to contest the validity of the violation notice on by:
 - I. Checking or placing a mark in a space provided and clearly identified, "Request for Hearing".
 - II. Placing his/her name and current address in the place provided.
 - III. Signing his/her name in the appropriate indicated place.
 - IV. Filing the violation notice with the "Request for Hearing" portion fully completed; with the Village postmarked within ten (10) days of the violation notice issuance. The request shall be deemed filed upon receipt by the Village.
 - V. A request for hearing may also be made by telephone or online.
- g. The date, time and place of an administrative hearing on the violation (if a hearing is required). The same information will be provided via a separate notice if a hearing is not required, but requested by the party as a means to contest its validity.
- h. That payment of the indicated fine and any late payment penalty shall operate as a final disposition of the violation.
- v. Service of notice. Service of the violation(s) notice(s) shall be made by the person issuing such notice by:
 - a. Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle, or

- b. Handing the notice to the registered owner, operator or lessee of the vehicle, if present.
- vi. Certification of facts. The correctness of facts contained in the vehicular standing, parking, or compliance regulation violation(s) notice(s) shall be certified by the person issuing said notice by:
 - a. Signing his/her name to the notice(s) at the time of service, or
 - b. In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the Village, attesting to the correctness of all notices produced by the device while under his/her control.
- vii. Recordkeeping. The original or a facsimile of the violation(s) notice(s) shall be retained by the Village and kept as a record in the ordinary course of business.
- viii. Prima facia evidence of correctness. Any violation(s) notice(s) issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facia correct and shall be prima facia evidence of the correctness of the facts shown on the notice.
- ix. Admissibility. The violation(s) notice(s) or a copy(s) shall be admissible in any subsequent administrative or legal proceeding.

B. Traffic Hearing – Additional Procedures

An administrative hearing to adjudicate the alleged standing, parking, or compliance regulation violation(s) on its merits;

- i. Shall be granted upon request to the registered owner or operator of the "cited vehicle", pursuant to 625 ILCS 5/11-208.3 or the lessee of the "cited vehicle", pursuant to 625 ILCS 5/11-1306, incorporated herein by reference.
- ii. Hearing dates shall be at the date, time and place as is set forth in the violation notice issued and served, or such additional notices issued in accordance with this division.

C. Additional Notices

Upon failure of the registered owner or lessee of the "cited vehicle" to respond to a Citation by either paying the fine or requesting a hearing within 10 days, as indicated in the vehicular standing, parking, or compliance regulation violation(s) notice(s), or upon final determination of violation liability, the Village shall send or cause to be sent a Second Notice which:

- i. Shall be sent to the registered owner or lessee of the "cited vehicle" at the address as is recorded with the secretary of state.

- ii. Shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease.
- iii. Shall be sent by first class mail, postage prepaid.
- iv. Service of additional notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.
- v. The additional notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:
 - a. Upon the failure of the registered owner or lessee of the "cited vehicle" to appear at the hearing set forth in the vehicular standing, parking, or compliance regulation violation(s) notice(s), additional notice(s) shall be sent, as above set forth, and shall contain, but not be limited to the following information:
 - I. Date and location of violation cited in the vehicular standing, parking, or compliance regulation violation(s) notice(s).
 - II. Particular standing, parking, or compliance regulation violated.
 - III. Vehicle make and state registration.
 - IV. Fine and any penalty that may be assessed for late payment.
 - V. Notice to the registered owner or lessee of their current status, other than paid in full.
 - VI. Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.
 - VII. Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of vehicle standing, parking, or compliance regulation violation(s) liability for the "cited" violation in the amount of the fine and penalty indicated.
 - VIII. Statement that upon the occurrence of a final determination of vehicular standing, parking, or compliance violation(s) liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.
 - b. If a violator fails to pay the required fine or request a hearing after service of the

Second Notice, then the Village shall serve the Violator with a third and final notice. The Notice shall contain, but not be limited to, the following information and warnings:

- I. A statement that the unpaid fine and any penalty assessed is a debt due and owing the municipality.
 - II. A warning that failure to pay the fine and any penalty due and owing the municipality within the time specified may result in the municipality's filing a complaint in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with 625 ILCS 5/11-208.3 (f), incorporated herein by reference.
 - III. A warning that the vehicle owned by the person and located within the municipality may be impounded for failure to pay fines or penalties for five (5) or more vehicular standing, parking, or compliance regulation violations.
 - IV. A warning that the person's driver's license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 ILCS 5/6-306.5, incorporated herein by reference.
- c. A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing or parking regulation violation(s):
- I. The notice shall state that the failure to pay the fine or penalty owing within forty-five (45) days of the date of the notice will result in the municipality's notifying the secretary of state that the person is eligible for initiation of suspension proceedings under 625 ILCS 5/6-306.5 incorporated herein by reference.
 - II. The notice of impending drivers license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the secretary of state.

D. Final Determination of Liability

A final determination of vehicular standing, parking, or compliance regulation violation(s) liability shall:

- i. Occur following the failure to pay the total assessed fine or penalty after the hearing officer's determination of vehicular standing, parking, or compliance regulation violation(s) liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth, or
- ii. Where a person fails to appear at a prior hearing or by the third and final

administrative hearing provided to contest the alleged violation(s) on the date and at the time and place specified in a prior served or mailed notice, the hearing officer's determination of vehicular standing, parking, or compliance regulation violation(s) liability shall become final:

- a. Upon denial of a timely petition to set aside that determination, or
- b. Upon the expiration of the period for filing petition without a filing having been made.

E. Certified Report and Contesting Certified Report.

Upon a failure to pay fines and penalties deemed due and owing the village after the exhaustion of administrative procedures set forth herein for ten (10) or more vehicular parking regulation violations, the Village shall make a certified report to the secretary of state stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the Village as a result of ten (10) or more violations of Municipal vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.

The Village shall take no further action unless and until the fines and penalties due and owing the village are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the Village shall submit to the secretary of state a notification which shall result in the halting of a driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.

Persons may challenge the accuracy of the certified report by completing a form provided by the office of the Village. The form shall specify the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:

- i. The person was neither the owner nor the lessee of the vehicle (so receiving ten (10) or more violation notices on the date or dates such notices were issued; or
- ii. (2) The person has paid the fine and/or penalty for the ten (10) or more violations indicated on the certified report.

The Village shall render a determination within fourteen (14) business days of receipt of the objection form and shall notify the objector of the determination.

F. Immobilization/Towing and Impoundment.

Any motor vehicle whose registered owner has been determined to be liable for five (5) or more vehicular standing, parking, or compliance regulation violation(s), for which the fines or penalties assessed remain unpaid, may be immobilized or towed and impounded if:

- i. The Village has determined that a person was found liable for five (5) or more vehicular standing, parking, or compliance regulation violation(s), the fines or penalties for which remain unpaid.
- ii. The person is determined to be liable for five (5) or more violations and is the registered owner of a motor vehicle located within the municipality geographical boundaries.
- iii. A pre-towing notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the municipality which contains, but shall not be limited to, the following:
 - a. That a final determination has been made on five (5) or more vehicular standing, parking, or compliance regulation violation(s), the fines and penalties for which remain unpaid.
 - b. A listing of the violation(s) for which the person has been determined to be liable, which shall include for each violation:
 - I. The vehicular standing, parking, or compliance regulation violation notice number.
 - II. Date of issuance.
 - III. Total amount of fine(s) and penalty(s) assessed.
 - IV. That the motor vehicle(s) owned by the person and located within the Municipality is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within fourteen (14) days of the date of the notice.
 - V. That the registered owner may contest the validity of the notice by fully completing and signing the request for hearing portion of one notice and by filing the request for hearing with the Village within, but not later than fourteen (14) days of the date of the notice. The request for hearing shall be deemed filed upon receipt by the Village.
- iv. The motor vehicle(s) of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for hearing has been filed with the Village to contest the validity of the notice.
- v. Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the Village

shall schedule an administrative hearing to contest the validity of said notice, by disproving liability for the unpaid final determinations of parking, standing, or compliance violation liability listed on the notice, on the next available hearing date, but in no case shall the hearing be schedule later than sixty (60) days after the request for hearing is filed.

The Village shall serve notice of the hearing date upon the registered owner. Notice shall be sent by first class mail, postage prepaid to the address as is set forth on the request for hearing. Service of the notice shall be complete on the date it is placed in the United States mail.

The registered owner of a vehicle(s) immobilized or towed and impounded under this section, shall have the right to a prompt administrative hearing without the requirement of payment of outstanding fines and penalties for which final determination has been made.

The Village shall serve a post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:

- i. Date of immobilization or towing and date of impoundment.
- ii. Location of vehicle.
- iii. That the vehicle was immobilized under this section of this division for non-payment of fines or penalties assessed for the violation of five (5) or more violation(s) of vehicular standing, parking, or compliance regulation(s) for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.
- iv. Date of notice of impending immobilization or towing and impoundment.
- v. That the registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the Village within, but not later than, fourteen (14) days of the date of the notice which shall be deemed filed upon receipt by the Village.

Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the Village shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next available hearing date or if sooner scheduled by the Village for good cause shown, but in no case shall be hearing be scheduled later than sixty (60) days after the request for hearing is filed.

The Village shall serve notice of the hearing date upon the registered owner. Notice shall be sent by first class mail, postage prepaid to the address as is set forth on the request for hearing. Service of the notice shall be complete on the date it is placed in the United States

mail.

An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101 et seq., incorporated herein by reference.

A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his agent, upon payment of the fines and penalties due and owing the Municipality as specified in the notice sent in accordance with this section, and the payment of towing charges and accrued daily impound charges or upon order of the hearing officer following hearing contesting the validity of the impoundment.

The Village shall appoint or retain the services of an individual agency or company to tow and impound vehicles in accordance herewith, provided:

- i. The individual, agency or company is fully licensed according to local and state law.
- ii. The individual, agency or company is fully insured.
- iii. The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section a secured area shall mean an area bounded by a fence, chainlink or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

G. Judgment.

The Village shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary action(s), execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a Judgment against and collect moneys from the person(s) who have been assessed fines or penalties which remain unpaid and have become a debt due and owing the municipality in accordance with the provisions of this division and 625 ILCS 5/11-208.3 by:

- i. Filing a complaint in the circuit court praying for the entry of a judgment against the person for whom a final determination of standing, parking, or compliance regulation violation(s) liability has been made. The complaint filed by the Village or individual or agency on behalf of the municipality seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of standing, parking, or compliance regulation violation(s) shall have appended:
 - a. A certified copy of the final determination of the standing, parking, or compliance regulation violation(s).
 - b. A certification that recites facts sufficient to show that the final determination of standing, parking, or compliance regulation violation(s)

was issued in accordance with this division and 625 ILCS 5/11-208.3.

- ii. Nothing shall prevent the municipality from consolidating multiple final determinations of standing, parking, or compliance regulation violation(s) liability in an action in the circuit court against an individual.
- iii. Pursuing all available remedies, allowed by law, to collect money judgments.

Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this division by any method provided under 735 ILCS 5/2-203, incorporated by reference, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing, parking, or compliance regulation violation(s) does not exceed two thousand five hundred dollars (\$2,500.00).

Sec. 28-11 - Hearing Options.

Unless the Notice of Violation indicates that an Appearance is required, or is required before the Village Board or the Liquor and Licensing Commission, a person receiving a Notice of Violation may choose any one of the following hearing options:

- i. Option to Appear - Any person receiving a Notice of Violation may, if they choose, appear at a hearing and request that a determination of the violation alleged be adjudicated by the Hearing Officer. Persons appearing to contest the alleged standing, parking, or compliance violation on its merits may be represented by counsel at their own expense.
- ii. Option to Plead No Contest – Any person receiving a Notice of Violation voluntarily waive their right to a hearing by:
 - a. signing the appropriate section of the Notice of Violation waiving their right to a hearing and indicating that they do not wish to contest the violation;
 - b. returning the Notice of Violation to the Village within ten (10) days along with payment of the fine amount or by paying the fine on-line. The request shall be deemed filed upon receipt by the Village. The Village or hearing officer may, in its/his discretion accept "Request for Hearing Without Appearance" after the due date for good cause shown
- iii. Contest Violation Without Appearance - Any person, except a minor or as otherwise provided as a Mandatory Appearance, who has been served any notice of violation of any ordinance or regulation, including but not limited to vehicular standing, parking, or compliance regulation violation(s) notice(s), may contest the alleged violation on its merits, as could a resident, or may contest the validity without personally appearing at an administrative hearing by:
 - a. Completing, in full, and signing the "Request for hearing" section of the violation notice, served upon him/her and acknowledging that his/her

personal appearance is waived and submitting to an adjudication based upon the sworn statement filed by him/her and the facts contained in the violation notice.

- b. Filing the violation notice with the "Request for Hearing" section fully completed with the Village postmarked within 10 days of the violation notice issuance. The request shall be deemed filed upon receipt by the Village.
 - c. Filing a sworn statement of facts specifying the grounds for challenging the violation notice which must be filed with the Village postmarked within ten (10) days of the violation notice issuance. The request shall be deemed filed upon receipt by the Village. The Village or hearing officer may, in its/his discretion accept "Request for Hearing Without Appearance" after the due date for good cause shown.
 - d. In such cases, the hearing officer shall make an adjudication based upon the facts set forth in the sworn statement of facts.
 - e. The hearing officer's Determination shall be served by first class mail, postage prepaid, at the address set forth in the statement of facts submitted.
 - f. Service of the notice shall be complete on the date the notice is placed in the United States mail.
 - g. All other provisions of this division shall apply equally to non-residents of this municipality.
- iv. Default - Any person who fails to appear at a hearing or fails to otherwise contest a Notice of Violation shall be determined to be in default and shall be subject to the fines and penalties associated with the ordinance violation charged in the Notice of Violation.

Sec. 28-12 - Mandatory Required Appearances.

The following types of Ordinance Violations shall require a Mandatory Appearance at an Administrative Hearing:

- i. Any person under the age of 18 who receives a Notice of Violation shall appear at the Administrative hearing with a parent or legal guardian (not a sibling unless guardianship has been ordered by a Court). A person who is a minor at the time of issuance of the citation, but become 18 years of age by the time of hearing, is still considered a minor under the terms of this section.
- ii. Serving Alcohol to a Minor
- iii. Social Hosting Violations

- iv. Violations of the Building Code or Other Violations jeopardizing the health safety and/or Welfare of Others
- v. Violations requiring an appearance before the Village Board or the Liquor and Licensing Commission

All Notices of Violation that require a mandatory appearance shall indicate the mandatory appearance of the person, and the time and date for said appearance.

Sec. 28-13 - Administrative Review.

A petition to set aside a determination of vehicular standing, parking, or compliance regulation violation(s) liability may be filed by a person owing an unpaid fine or penalty in the manner and subject to the restrictions and grounds hereinafter set forth:

- i. A written petition to set aside a determination of liability must be filed in the office of the traffic compliance administrator within, but not later than, fourteen (14) days from the date the determination of liability is made.
- ii. The traffic compliance administrator shall act upon the petition(s) timely filed and render a decision thereon within fourteen (14) days of the date filed.
- iii. The grounds for setting aside a determination of liability shall be limited to the following:
 - a. The person against whom the determination of liability is made was not the owner or lessee of the "cited vehicle" on the date the vehicular standing, parking, or compliance regulation violation(s) notice(s) were issued.
 - b. The person's having paid the fine or penalty prior to the determination of liability for the violation(s) in question.
 - c. Excusable failure to appear at or request a new date for a hearing.
- iv. Should the determination of liability be set aside, the traffic compliance administrator shall:
 - a. Notify the registered owner, or lessee, as the case may be, that the determination of liability has been set aside.
 - b. Notify the registered owner, or lessee, as the case may be, of a date, time and place for a hearing on the merits of the violation for which determination of liability has been set aside.
 - c. Notice of setting aside of the determination of liability and the notice of the hearing date shall be by first class mail, postage prepaid to the address set forth on the petition to set aside the determination of liability.
 - d. Service of the notice shall be complete on the date the notice(s) are deposited in the United States mail.

Sec. 28-14 - Judicial Review.

Judicial review of final determinations of vehicular standing, parking, or compliance regulation violation(s) and final administrative decisions issued after hearing(s) regarding vehicle immobilization or towing and impoundment made under this section shall be subject to the provisions of the administrative review law as is set forth in 735 ILCS 5/301, et seq. incorporated herein by reference.

Sec. 28-15 - Debt to Municipality.

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this division and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this division and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.

Sec. 28-16 – Hearing Procedures Not Exclusive.

This section does not preclude the village from using other methods to enforce the provisions of its Municipal Code, including its building code.

SECTION 3. Intent and Purpose. That officials, officers and employees of the Village are hereby authorized to take such further actions as are necessary to carry out the intent and purpose of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Dated this 19th day of November, 2019

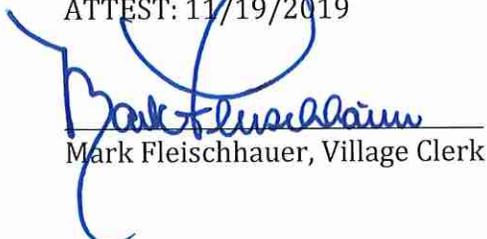
Adopted by roll call vote as follows:

AYES: 7 – Byrne, Brown, Koch, Marquardt, Schultz, Takaoka, Oppenheim
NAYS: 0 - None
ABSENT AND NOT VOTING: 0 - None

Adopted this 19th day of November 2019, by the President and Board of Trustees of the Village of Vernon Hills, Illinois.


Roger L. Byrne, Village President

PASSED: 11/19/2019
APPROVED: 11/19/2019
ATTEST: 11/19/2019


Mark Fleischhauer, Village Clerk

