

060693

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ x
Recommendations of Board, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: November 26, 2007 (BOT) Date: December 7, 2006

TITLE: An Ordinance Amending Title 7 of the Lombard Village Code regarding the Administrative Adjudication of Vehicular Regular Violations

SUBMITTED BY: Pat Rollins, Deputy Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

The Lombard Police Department is requesting authorization in establishing an Administrative Adjudication process for providing a fair and efficient method of enforcing Village Vehicular standing, parking, equipment and vehicle sticker violations, and other violations allowed by law.

This process will assist in freeing up the overcrowded Circuit Court system from hearing parking tickets and other allowable Village violations along with reducing high costs to the Village associated in sending a violator to court on our local violations/citations. This amended ordinance provides another method for collecting on fines that violators refuse or fail to pay the Village. In addition, violators will be able to attend a hearing in a shorter time span than it currently takes now through the Circuit Court method. Typically it takes 6-12 months to send a violator to court on these types of violations. Now a violator will be able to contest and have a hearing regarding their violation typically within 45 days from the date the violation occurred.

FISCAL IMPACT/FUNDING SOURCE: This process has been budgeted to begin this fiscal year. Revenues received from the program are projected to far exceed the costs to run the program.

Review (as necessary):

Finance Director X

Village Manager X

William T. Lichter

Date

11/29/06

NOTE: All materials must be submitted to and approved by the Village Manager's office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

Memorandum



To: William Lichter, Village Manager

From: Pat Rollins, Deputy Chief of Police

Date: 11/29/2006

Re: Proposed Administrative Adjudication Hearing Officer Program

Tom Bayer on our request and behalf has prepared for non-home rule communities an ordinance regarding Administrative Adjudication of Vehicular Regulation Violations. Municipalities are looking at avenues to provide a fair hearing process for violators, as well as, a mechanism to go after scottlaws who do not pay fines owed on violations.

The Lombard Police Department currently has a small percentage of violators who fail or refuse to pay fines for Village violations. The proposed adjudication hearing process has been discussed and approved during the budget process. The police department budgeted \$17,300 this year to operate the hearing officer program. Fines and collections from violations will far exceed the cost to run this program. Thousand of citations are written each year. If only 70 tickets out of the thousands written reach the maximum fine amount, it will pay for the budgeted amount. This new program will work in concert with the current collection program already in place. It will help alleviate sending all violators to the Circuit Court for allowable village offenses. However, this current process of sending current violators to the Circuit Court will remain as an option if chosen by the officer.

Violators will have an opportunity to be heard/contest their violation in a timely fashion with this new process. In addition, a "Request for Hearing-Non Appearance" violators who are not residents of the village will now have a mechanism to contest their violations without appearance.

This proposed ordinance will be available to be implemented after we do a Request for Proposal (RFP) for the hearing officer and than select that hearing officer. Administering this program will streamline, help keep current, and allow for

Staff recommends that we adopt this amended ordinance.

In addition, the same hearing officer would be able to hear building and code enforcement violations. Another Village Ordinance would be forthcoming for this action to take place.

S.O.S. a notice of final determination of vehicular regulation violation liability to be accessed against those who do not comply with the liability decision. The police department will now be able to send to the Illinois Secretary of State, violators that go through this hearing process who owe on ten or more vehicular standing or parking regulation citations. The Illinois Secretary of State will suspend the violator's driver's license until their fines are paid along with a re-instatement fee to

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MEMORANDUM

TO: Patrick Rollins, Deputy Chief of Police, Village of Lombard

FROM: Thomas P. Bayer, Village Attorney

Via e-mail
and U.S. Mail

DATE: November 8, 2006

RE: Administrative Adjudication of Vehicular Standing,
Parking, Equipment and Vehicle Sticker Regulation Violations

Per your voicemail of November 7, 2006, enclosed please find the following updated Ordinance, relative to the above-captioned matter, for your review:

AN ORDINANCE AMENDING TITLE 7 OF
THE LOMBARD VILLAGE CODE IN REGARD TO THE
ADMINISTRATIVE ADJUDICATION OF VEHICULAR REGULATION VIOLATIONS

In regard to the Ordinance, please note the following:

1. As State law has changed to impose a minimum \$250.00 fine for handicapped parking violations, the fine schedule in Section 73.09 has been changed accordingly.

2. The Illinois Municipal League will be introducing legislation next Spring to increase the maximum fine from \$250.00 to \$1,000.00. I will keep you advised of the status of the legislation, and will prepare the necessary amendatory Ordinance if the legislation is enacted into law.

If there are any questions, please feel free to call.

encl.

cc: William T. Lichter, Village Manager (w/ encl. – via e-mail and U.S. Mail)
Raymond Byrne, Chief of Police (w/ encl. – via e-mail and U.S. Mail)

- (A) Vehicular standing and parking violations;
- (B) Violations of any Village code or ordinance governing the condition or use of equipment on a vehicle; and

§ 73.01 PURPOSE: The purpose of this Chapter is to provide a fair and efficient method of enforcement of Village vehicular standing, parking, equipment and vehicle sticker regulation violations, and other Village regulation violations as may be allowed by law, through an administrative adjudication of said violations, and to provide a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties. The provisions of this Chapter may be used in lieu of issuing a citation that requires an appearance in the Circuit Court for the Eighteenth Judicial Circuit on one of the Village's traffic and ordinance court dates. Notwithstanding any other provision in this Code or in the Village's Traffic Code, the fine schedule set out in this Chapter shall apply as the penalty for all violations covered by and handled through the administrative adjudication system, and no amount greater than that set out herein shall be applied as a fine for any violation hereunder. Pursuant to 625 ILCS 5/11-208.3(a), the provisions of this Chapter shall apply to the following violatons:

73.01	Purpose
73.02	Administrative Composition
73.03	Procedures
73.04	Administrative Hearings
73.05	Additional Notices
73.06	Administrative Review
73.07	Final Determination Of Liability
73.08	Nonappearance Procedures
73.09	Schedule of Fines/Penalties
73.10	Judicial Review
73.11	Debt To Village
73.12	Judgments

SECTION:

ADMINISTRATIVE ADJUDICATION OF
VEHICULAR REGULATION VIOLATIONS

CHAPTER 73

thereto which shall read in its entirety as follows:

SECTION 1: That Title 7 of the Lombard Village Code is amended by adding a new Chapter 73

County, Illinois, as follows:

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage

**AN ORDINANCE AMENDING TITLE 7 OF
THE LOMBARD VILLAGE CODE IN REGARD TO THE
ADMINISTRATIVE ADJUDICATION OF VEHICULAR REGULATION VIOLATIONS**

ORDINANCE NO. _____

(C) Violations of Chapter 70 of this Code.

The aforementioned violations shall be collectively referred to as "vehicular regulation violations" for purposes of this Chapter.

§73.02 ADMINISTRATIVE COMPOSITION: The system of administrative adjudication of vehicular regulation violations shall be composed of a traffic compliance administrator, hearing officer, computer operator/system coordinator and hearing room personnel (deputy), with the power, authority and limitations as are hereinafter set forth:

(A) Traffic Compliance Administrator Duties: He/she shall be empowered and is hereby authorized and directed to:

(1) Operate and manage the system of administrative adjudication of vehicular regulation violations.

(2) Adopt, distribute and process vehicular regulation violation notices and other notices as may be required under this Chapter or as may be reasonably required to carry out the purpose of this Chapter.

(3) Collect monies paid as fines and/or penalties assessed after a final determination of vehicular regulation violation liability.

(4) Conduct hearings, as a hearing officer with the same power and authority as is hereinafter set forth, during the absence of the appointed hearing officer.

(5) Certify copies of final determinations of vehicular regulation violation liability and factual reports verifying that the final determination of vehicular regulation violation liability was issued in accordance with this Code and 625 ILCS 5/11-208.3.

(6) Certify reports to the Illinois Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Code and 625 ILCS 5/6-306.5.

(7) Certify to the Chief of Police the eligibility for immobilization of any motor vehicle whose owner, notwithstanding any other provision in this Code, has accumulated five (5) or more unpaid final determinations of liability under this Chapter relative to vehicular parking violations.

(8) Review determinations of vehicular regulation violation liability, or the validity of notices of impending drivers license suspensions, in an administrative review capacity in accordance with the provisions of this Code.

- (9) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
- (B) Hearing Officer Duties: He/she shall be empowered and is hereby authorized and directed to:
 - (1) Preside over the administrative hearings, established herein, as the adjudicator.
 - (2) Administer oaths.
 - (3) Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.
 - (4) Assess fines and penalties for vehicular regulation violations as are established in Section 73.09 of this Code.
 - (5) Make final determinations of:
 - a. Vehicular regulation violation liability; and
 - b. Validity of notices of impending drivers license suspensions.
 - (6) Provide for the accurate recordation of the administrative adjudication hearings.
 - (7) Issue certified notices to the Chief of Police regarding the immobilization of vehicles whose owners have received five (5) or more final determinations of liability, relative to vehicular parking violations, which remain unpaid.
- (C) System Coordinator Duties: He/she is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system hereby created, on a day-to-day basis, including, but not limited to:
 - (1) Input of vehicular regulation violation notice information.
 - (2) Input of hearing dates and notice dates.
 - (3) Input of fine and penalty assessments and payments.
 - (4) Issue payment receipts.
 - (5) Issue succeeding notices of hearing dates and/or determinations of liability or notices of impending drivers license suspensions, as directed by the traffic

compliance administrator in accordance with the provisions hereinafter set forth.

(6) Issue certified notices to the Illinois Secretary of State regarding persons who have received ten (10) or more final determinations of liability, relative to vehicular parking violations, which remain unpaid.

(7) Issue certified notices to the Chief of Police regarding persons who have received five (5) or more final determinations of liability, relative to vehicular parking violations, which remain unpaid.

(8) Keep accurate records of appearances and nonappearances at administrative hearings, pleas entered, fines and penalties assessed and paid.

(D) Hearing Room Personnel Duties: He/she is hereby authorized and directed to:

(1) Maintain hearing room decorum.

(2) Have and execute authority as is granted to courtroom deputies of the Circuit Court.

(3) Perform such other duties or acts as may reasonably be required and as directed by the hearing officer or traffic compliance administrator.

This position shall be limited to off-duty, full-time, part-time or auxiliary police officers.

(E) Appointments: The Chief of Police shall assign the duties of traffic compliance administrator, system coordinator and hearing room personnel to Village employees. The Village Manager, with input from the Chief of Police, is hereby authorized to appoint a person to hold the position of hearing officer.

(F) Compensation: Compensation, if any, to be paid for each of the above stated positions shall be as determined by the President and Board of Trustees in the annual budget ordinance, upon receipt of a recommendation from the Police Department.

§73.03 PROCEDURES: The system of administrative adjudication of vehicular regulation violations shall be in accordance with the following procedures:

(A) Violation Notice: Vehicular regulation violation notices shall be issued by the persons authorized herein and shall contain information and shall be served, certificated and have evidentiary admissibility as is hereinafter set forth.

(B) Authorization: All full-time, part-time and auxiliary police officers and community

service officers, as well as other specifically appointed individuals, shall have the authority to issue vehicular regulation violation notices.

(C) Detection Of Violations: Any individual authorized hereby to issue vehicular regulation violation notices and who detects such a vehicular regulation violation shall issue a vehicular regulation violation notice and shall make service thereof as is hereinafter set forth.

(D) Hang-On Violation Notice: The vehicular regulation violation notice ("hang-on violation notice") shall contain, but shall not be limited to, the following information:

(1) The date, time and place of the vehicular regulation violation (date of issuance).

(2) The particular vehicular regulation violated.

(3) Vehicle make and state registration number.

(4) The fine and any penalty which may be assessed for late payment.

(5) The signature and identification number of the person issuing the notice.

(6) A section entitled "Request for Hearing" which shall clearly set forth that the registered owner, operator or lessee may appear at the initial administrative hearing to contest the validity of the vehicular regulation violation notice on the date and at the time and place as specified in the vehicular regulation violation notice ("hang-on violation notice") by:

a. Checking or placing a mark in a space provided and clearly identified, "Request for Hearing";

b. Placing his/her name and current address in the place provided;

c. Signing his/her name in the appropriate indicated place; and

d. Filing the vehicular regulation violation notice ("hang-on violation notice"), with the "Request for Hearing" portion fully completed, with the traffic compliance administrator postmarked by the twenty-fifth of the month, if the vehicular regulation violation notice was issued between the first and the fifteenth day of the month, or postmarked by the tenth of the following month, if the vehicular regulation violation notice was issued between the sixteenth and the end of the month. The request shall be deemed filed upon receipt by the traffic compliance administrator.

(7) The date, time and place of an administrative hearing at which the vehicular

regulation violation may be contested on its merits.

(8) That payment of the indicated fine and any late payment penalty shall operate as a final disposition.

(9) A section entitled, "Request for Hearing - Non-Appearence", which clearly sets forth that any registered owner, operator or lessee, who is not a resident of the Village, may appear at the initial administrative hearing to contest the validity of the vehicular regulation violation notice ("hang-on violation notice") without personally appearing by:

a. Checking or placing a mark in a space provided and clearly identified, "Request for Hearing - Non-Appearence";

b. Placing his/her name and current address in the place provided;

c. Signing his/her name in the appropriate indicated place;

d. Filing the vehicular regulation violation notice ("hand-on violation notice") with the "Request for Hearing - Non-Appearence" portion fully completed, with the traffic compliance administrator postmarked by the twenty-fifth of the month, if the vehicular regulation violation notice was issued between the first and the fifteenth day of the month, or postmarked by the tenth of the following month, if the vehicular regulation violation notice was issued between the sixteenth and the end of the month; and

e. Filing a notarized statement of facts, specifying the grounds for challenging the vehicular regulation violation notice, with the traffic compliance administrator postmarked by the twenty-fifth of the month, if the vehicular regulation violation notice was issued between the first and the fifteenth day of the month, or postmarked by the tenth of the following month, if the vehicular regulation violation notice was issued between the sixteenth and the end of the month.

(10) A clearly marked statement that execution of the "Request for Hearing - Non-Appearence" is a waiver of the person's right to a personal appearance and that the adjudication will be made based upon the notarized statement of facts submitted by the individual and the facts contained in the vehicular regulation violation notice.

(E) Service of Vehicular Regulation Violation Notice: Service of the vehicular regulation violation notice shall be made by the person issuing such notice by:

(1) Affixing the original or facsimile of the vehicular regulation violation notice

- (E) Shall allow persons appearing to contest the alleged vehicular regulation violation on its merits to be represented by counsel at their own expense.
- (D) Shall include consideration of any written, notarized statement of facts timely submitted by non-Village residents filing a "Request for Hearing-Non-Appearance."
- (C) Shall be tape-recorded.

- (B) Shall be on the date, at the time and at the place as is set forth in the vehicular regulation violation notice ("hang-on violation notice") issued and served, as is set forth in any subsequent notice issued in accordance with this Code as is set by the traffic compliance administrator and served upon the registered owner, operator or lessee for hearings contesting the validity of notices of impending driver's license suspensions.
- (A) Shall be granted to the registered owner, operator or lessee of the "cited vehicle", pursuant to 625 ILCS 5/11-208.3 or 5/6-305.5.

§ 73.04 ADMINISTRATIVE HEARINGS: An administrative hearing to adjudicate the alleged vehicular regulation violation on its merits or the validity of a notice of impending driver's license suspension:

- (I) Admissibility: The vehicular regulation violation notices shall be admissible in any subsequent administrative or legal proceeding.
- (H) Prima Facie Evidence of Correctness: Any vehicular regulation violation notice issued, signed and served in accordance herewith, or a copy of the vehicular regulation violation notice, shall, pursuant to State statute, be deemed prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the vehicular regulation violation notice.
- (G) Retention of Vehicular Regulation Violation Notice: The original or a facsimile of the vehicular regulation violation notices shall be retained by the traffic compliance administrator and kept as a record in the ordinary course of business.
- (2) In the case of a vehicular regulation violation notice produced by a computer device, by signing a single certificate, to be kept by the traffic compliance administrator, attesting to the correctness of all vehicular regulation violation notices produced by the device while under his/her control.
- (1) Signing his/her name to the vehicular regulation violation notice at the time of issuance; or
- (F) Certification of Facts: The correctness of facts contained in the vehicular regulation violation notice shall be certified by the person issuing said vehicular regulation violation notice by:
 - (2) Handing the vehicular regulation violation notice to the registered owner, operator or lessee of the vehicle, if present.

to any unlawfully standing or parked vehicle or any vehicle found to be in an unlawful condition; or

- h. A statement that upon the occurrence of a determination of vehicular
- g. A statement that failure to either pay the fine and any applicable penalty, or failure to appear at the hearing on the date and at the time and place specified, will result in a determination of vehicular regulation violation for the "cited" vehicular regulation violation in the amount of the fine and penalty indicated; and
- f. Date, time and place of the second administrative hearing at which the alleged vehicular regulation violation may be contested on its merits;
- e. Notice to the registered owner, operator or lessee of their current status, other than paid in full;
- d. Fine and any penalty that may be assessed for late payment;
- c. Vehicle make and state registration;
- b. Particular vehicular regulation violated;
- a. Date and location of the vehicular regulation violation cited in the vehicular regulation violation notice;

- (5) Shall contain, but not be limited to, the following information:
- (4) Shall be complete as to service as of the date of deposit in the United States mail.
- (3) Shall be sent by first class mail, postage prepaid.
- (2) 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.
- (1) Shall be sent to the registered owner or operator of the "cited vehicle" at the address as is recorded with the Secretary of State.

(A) Upon failure of the registered owner, operator or lessee of the "cited vehicle" to appear at the initial administrative hearing indicated in the vehicular regulation violation notice ("hang-on violation notice"), the traffic compliance administrator shall send or cause to be sent additional notices which:

§73.05 ADDITIONAL NOTICES:

- (F) Shall be subject to review as hereinafter set forth.
- (G) Shall culminate in a determination of liability or non-liability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Such determination shall advise the registered owner, operator or lessee of the "cited vehicle" of his/her time limitations for filing for administrative review as set forth in Section 73.06 of this Code and/or judicial review as set forth in Section 73.10 of this Code. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with Section 73.09 of this Code.

regulation violation liability and the exhaustion of, or the failure to exhaust, available administrative and/or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the Village. This statement shall also advise said owner, operator or lessee of the time constraints in relation to available administrative and judicial procedures for review.

(B)

Upon failure of the registered owner, operator or lessee of the "cited vehicle" to appear at the initial administrative hearing indicated in the vehicle regulation violation notice ("hang-on violation notice"), and after failure to appear at the second hearing scheduled, a notice of determination of vehicle regulation violation liability shall be sent, detailing the rights of the owner, operator or lessee of the "cited vehicle" to petition for the determination of vehicle regulation violation liability to be set aside on certain grounds, as provided for in Section 73.06 of this Code, and/or file for judicial review pursuant to Section 73.10 of this Code.

(C)

A notice of final determination of vehicle regulation violation liability shall be sent following a final determination of vehicle regulation violation liability, as is hereinafter defined, and after the conclusion any judicial review procedures, or the expiration of the time period for filing for judicial review without the filing taking place, and shall contain, but not be limited to, the following information and warnings:

(1)

A statement that the unpaid fine and any penalty assessed is a debt due and owing the Village.

(2)

A warning that failure to pay the fine and any penalty due and owing the Village within the time specified may result in the Village'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).

(3)

A warning that the person's driver's license may be suspended for failure to pay fines or penalties for ten (10) or more vehicle standing or parking violations under 625 ILCS 5/6-306.5.

(4)

A warning that if five (5) or more unpaid final determinations of vehicle regulation violation liability, relative to vehicle parking violations, are outstanding, the Chief of Police will be informed of the vehicle's eligibility for immobilization.

(D)

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 vehicle standing or parking regulation violations. The notice shall state that the failure to pay the fine or penalty within forty-five (45) days of the date of the notice will result in the Village's notifying the Illinois Secretary of State that the person is eligible for initiation of suspension proceedings under 625 ILCS 5/6-306.5. The notice shall also state that the person may obtain a photostatic copy of an original vehicle regulation violation notice imposing a fine or penalty by sending a self-addressed stamped envelope to the Police Department along with a request for the photostatic copy. The notice of impending driver's license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Illinois Secretary of State.

§73.06 ADMINISTRATIVE REVIEW: A petition to set aside a determination of vehicle regulation violation 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:

- (A) A written petition to set aside a determination of vehicular regulation violation 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 vehicular regulation violation liability is made.
 - (B) The traffic compliance administrator shall act upon those petitions timely filed and render a decision thereon within fourteen (14) days of the date filed.
 - (C) The grounds for setting aside a determination of vehicular regulation violation liability shall be limited to the following:
 - (1) The person against whom the determination of vehicular regulation violation liability is made was not the registered owner, operator or lessee of the "cited vehicle" on the date the vehicular regulation violation notice was issued; or
 - (2) The person has paid the fine or penalty prior to the determination of vehicular regulation violation liability for the vehicular regulation violation(s) in question; or
 - (3) Excusable failure to appear at or request a new date for a hearing.
 - (D) Should the determination of vehicular regulation violation liability be set aside, the traffic compliance administrator shall:
 - (1) Notify the registered owner, operator or lessee, as the case may be, that the determination of vehicular regulation violation liability has been set aside.
 - (2) Notify the registered owner, operator or lessee, as the case may be, of a date, time and place for a hearing on the merits of the vehicular regulation violation for which the determination of vehicular regulation violation liability has been set aside.
 - (3) The notices referenced in subsections D1 and D2 of this Section shall be sent by first class mail, postage prepaid, to the address set forth on the petition to set aside the determination of vehicular regulation violation liability.
 - (4) Service of the notices shall be complete on the date the notices are deposited in the United States mail.
 - (E) Should the determination of vehicular regulation violation liability not be set aside, the traffic compliance administrator shall notify the registered owner, operator or lessee, as the case may be, that the determination of vehicular regulation violation liability is now deemed to be a final determination of vehicular regulation violation liability reviewable by the Circuit Court under the Administrative Review Law upon filing a lawsuit with the Circuit Court within thirty-five (35) days of receipt of the notice.
- §73.07 FINAL DETERMINATION OF LIABILITY : A final determination of vehicular regulation violation liability shall occur:
- (A) Following the failure to pay the fine or penalty after the hearing officer's determination of vehicular regulation violation liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth.
 - (B) Where a person fails to appear at the second hearing to contest the alleged violation(s) on the date and at the time and place specified in the mailed notice, the hearing officer's

determination of vehicular regulation violation liability shall become final:

(1) Upon denial of a timely petition to set aside that determination of vehicular regulation violation liability pursuant to Section 7306 of this Code; or

(2) Upon the expiration of the period for filing a petition to set aside that determination of vehicular regulation violation liability pursuant to Section 73.06 of this Code without a filing having been made.

§ 73.08 NON-APPEARANCE PROCEDURES: Non-Village residents who have been served with a vehicular regulation violation notice may contest the alleged vehicular regulation violation on its merits, or may contest the validity without personally appearing at an administrative hearing by:

(A) Completing, in full, the "Request for Hearing - Non-Appearance" section of the vehicular regulation violation notice ("hang on violation notice"), served upon him/her.

(B) Signing the "Request for Hearing - Non-Appearance" section in the space specified in the vehicular regulation violation notice, ("hang-on violation notice"), and acknowledging that his/her personal appearance is waived and submitting to an adjudication based upon the notarized statement filed by him/her and the facts contained in the vehicular regulation violation notice, ("hang-on violation notice").

(C) Filing the vehicular regulation violation notice, ("hang-on violation notice") with the "Request for Hearing - Non-Appearance" section fully completed with the traffic compliance administrator postmarked by the twenty-fifth of the month, if the vehicular regulation violation notice was issued between the first and the fifteenth day of the month, or postmarked by the tenth of the following month, if the vehicular regulation violation notice was issued between the sixteenth and the end of the month.

(D) Filing a notarized statement of facts specifying the grounds for challenging the vehicular regulation violation notice with the traffic compliance administrator postmarked by the twenty-fifth of the month, if the vehicular regulation violation notice was issued between the first and the fifteenth day of the month, or postmarked by the tenth of the following month, if the vehicular regulation violation notice was issued between the sixteenth and the end of the month.

(E) The hearing officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed and the facts contained in the vehicular regulation violation notice.

(F) Notice of the determination of the hearing officer shall be served by first class mail, postage prepaid, addressed to the address set forth in the statement of facts submitted in the same manner as set forth in subsection 73.05(B) of this Code.

(G) Persons who receive a determination of vehicular regulation violation liability pursuant to a "Request for Hearing - Non-Appearance" shall also have the opportunity to petition for review and to claim in writing the defenses listed in subsection 73.06(C) of this Code.

(H) Service of the notice shall be deemed complete on the date the notice is placed in the United States mail.

§ 73.09 SCHEDULE OF FINES/PENALTIES: The fines and penalties which shall be imposed for vehicular regulation violations shall be as follows:

(C) The fines and penalties herein set forth shall be uniformly applied for each violation of any provision of this Code or the Village's Traffic Code regulating, restricting or prohibiting the standing or parking of motor vehicles, the use or condition of vehicular equipment and/or the requirement for display of a Village vehicle sticker presently in effect or hereafter adopted.

(B) As a courtesy to an individual who files a written request for hearing pursuant to subsection 73.03(D)(6) of this Code, or who files a "Request for Hearing - Non-Appearance" pursuant to subsection 73.03(D)(9) of this Code and Section 73.08 of this Code, the fine amount shall be frozen at Step 1, until after the first hearing.

	Fine Schedule	General Fine Amount	Handicapped Parking Fine Amount	Commuter Lot Fine Amount	Five Lane and Village Sticker Fine Amount
STEP 1	Upon service of a "hang-on violation notice," the fine amount owed prior to or on the first hearing date shall be:	\$25.00	\$250.00	\$25.00	\$50.00
STEP 2	Upon failure to pay the fine amount specified in Step 1 prior to or on the first hearing date, the fine amount after the first hearing date shall be:	\$100.00	\$250.00	\$100.00	\$150.00
STEP 3	Upon failure to pay the fine amount specified in Step 2 prior to the second hearing date, the fine amount on the second hearing date shall be:	\$175.00	\$250.00	\$175.00	\$200.00
STEP 4	Upon failure to pay the fine amount specified in Step 2 and failing to appear at the second hearing the fine amount shall be:	\$250.00	\$250.00	\$250.00	\$250.00

(A) Notwithstanding any other provisions to the contrary in this Code or in the Village's Traffic Code for violations of any provision of this Code or the Village's Traffic Code regulating, restricting or prohibiting the standing or parking of motor vehicles along the streets, byways, alleyways, regulated parking lots or such other locations as may be controlled by off-street parking agreements, located within the geographical boundaries of the Village, including handicapped parking, for violations regarding the use or condition of vehicular equipment and for violations regarding Village vehicle stickers, the fines relative to the administrative adjudication of vehicular regulation violation notices issued pursuant to this Chapter shall be as set forth in the following schedule:

Nothing shall prevent the Village from consolidating multiple final determinations of vehicular regulation violation liability in an action in the Circuit Court against an individual. The summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this Code by any method provided under State statute, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of vehicular regulation violation liability does not exceed two thousand five hundred dollars (\$2,500.00).

- (1) A certified copy of the final determination of vehicular regulation violation liability.
- (2) A certification that recites facts sufficient to show that the final determination of vehicular regulation violation liability was issued in accordance with this Code and 625 ILCS 5/11-208.3.

(A) By filing a complaint in the Circuit Court praying for the entry of a judgment against the person for whom a final determination of vehicular regulation violation liability has been made. The complaint filed by the traffic compliance administrator or individual or agency on behalf of the Village, seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of vehicular regulation violation liability, shall have attached to it:

The traffic compliance administrator shall, following the expiration of the period within which administrative and judicial review may be sought for a determination of vehicular regulation violation liability, take all necessary actions, execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect monies from the person(s) who have been assessed fines or penalties which remain unpaid, and have become a debt due and owing the Village in accordance with the provisions of Section 73.11 of this Code and 625 ILCS 5/11-208.3, in the following manner:

§73.12 JUDGMENTS:

§73.11 DEBT TO VILLAGE: Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of Sections 73.01 through 73.12 of this Code, and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures, shall be a debt due and owing the Village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a vehicular regulation violation under this Chapter shall constitute a final disposition of that vehicular regulation violation.

§73.10 JUDICIAL REVIEW: Final determinations of vehicular regulation violation liability made pursuant to Sections 73.01 through 73.12 of this Code shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/3-101 et seq.

(B) Notwithstanding payment of any of the aforesaid penalties and fines, any vehicle found to have five (5) or more unpaid final determinations of vehicular regulation violation liability, relative to vehicular parking violations under this Chapter, or five (5) or more unpaid vehicular parking violations adjudicated by the Circuit Court, shall be eligible for immobilization under the provisions of Chapter 72 of this Code.

(D) Notwithstanding the provision of any other section of this Code or the Village's Traffic Code, the maximum fine per violation under this administrative adjudication program shall be two hundred fifty dollars (\$250.00).

(B) By pursuing all available remedies, allowed by law, to collect money judgments."

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval

and publication in pamphlet form as provided by law.

PASSED on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

PASSED on second reading this _____ day of _____, 2006.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2006.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk

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