

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

 x Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 x Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: September 8, 2020 AGENDA DATE:

TITLE: Implementation of Compliance Citations and Ordinance Change

SUBMITTED BY: Deputy Chief Joseph Grage, Police Department

BACKGROUND/POLICY IMPLICATIONS:

Proposed ordinance change would allow police officers to issue compliance citations to motorists for vehicular equipment violations under local ordinance. This change would direct fine monies for these offenses directly to the Village and the fines would be less for the motoring public.

FISCAL IMPACT/FUNDING SOURCE

Change would increase annual estimated fine monies for these offenses by approximately \$8,500.

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: Materials must be submitted to / approved by the Village Manager's Office by 12:00 pm, Wednesday, prior to the Agenda Distribution.



To: Scott Niehaus, Village Manager
From: Deputy Chief Joseph Grage, Police Department
Through: Roy Newton, Chief of Police
Date: September 8th, 2020
Subject: Public Safety and Transportation and Safety Committee Recommendation

Implementation of Compliance Citations for Vehicular Condition and Use Violations

The attached proposed ordinance amendment would allow the police department to resume the issuance of compliance citations for vehicular condition or use violations. The fine structure proposed in the ordinance amendment is in line with other municipalities of similar size. A detailed memorandum to Chief Newton with the background for this proposed amendment is attached.

Public Safety and Transportation Committee members have reviewed and approved the proposed amendment.

The police department is requesting the proposed amendment be sent to the Board of Trustees to be enacted.

200268

VILLAGE OF LOMBARD POLICE DEPARTMENT



Roy Newton
Chief of Police

Thomas Wirsing
Deputy Chief of Operations

Joe Grage
Deputy Chief of Administrative Services

TO: Chief Newton

FROM: Deputy Chief Grage

DATE: 07/29/2020

SUBJECT: Public Safety and Transportation Committee Agenda Item:
Implementation of Compliance Citations for Vehicular Condition
and Use Violations

Chief,

As you recall, you assigned me to investigate our department's use of local ordinance citations issued for local adjudication. These citations would include the issuance of citations for seatbelt citations and other equipment offenses. I have analyzed this concept and recommend that the Village move forward on this based on my findings listed in this report.

BACKGROUND

In the past, the Lombard Police Department issued some "compliance" citations using the parking citation form for offenses listed in the Village of Lombard Traffic Code. Specific data on these citations has long gone away, but anecdotal data suggests that most of these were for equipment offenses. The fine for these offenses was typically \$25. Fine collections were handled the same way as parking citation collections. These citations predated the current state laws

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that exist regarding local adjudication of offenses in the Illinois Municipal Code, 65 ILCS 5/1-2.1-1.

CITATION DATA

From 2017-2019, the average number of citations issued annually for these types of violations are as follows:

Seatbelt Violations: **857**

Equipment Violations (i.e. headlight, window tint, etc): **86**

Total Annual Citations Issued for Above: **943**

The average fine collected via the Dupage County Circuit Court Clerk is as follows:

Seatbelt Violations: **\$68.50**

Equipment Violations: **\$40** (except window tint violations)

\$112 (window tint violations)

It should be noted that these averages include all fines, fees, and costs collected in cases where defendants paid through the mail or appeared in court.

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AREA AGENCY FINES

Other area agencies were polled informally to determine what their set fine amounts were for the above listed offenses:

Addison: \$25 or \$75 depending on violation

Glendale Heights: \$50

Elmhurst: \$75

Bolingbrook: \$30

Roselle: \$30

Winfield: \$60

It should be noted that almost all of these agencies had fine escalation steps that mirrored their parking violations. For example, the Village of Addison's fines for failure to wear seatbelt were \$75 if paid within 10 days, \$135 if paid after 10 days but before the first administrative hearing date, \$195.00 if paid after non-appearance at first hearing, \$225 if paid after second hearing non-appearance, and \$250 after non-appearance at third hearing.

The average fine among the agencies polled was just over \$50.00

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IMPLEMENTATION AND FINE AMOUNTS

I have already met with Village Attorney Bayer on this to confirm the legality of the implementation the use of compliance citations. He advised that we are able to issue compliance citations for seatbelt violations and any other equipment violations. Compliance citations are already part of the Village of Lombard Code of Ordinances. Since the Village of Lombard Traffic Code already adopts the Illinois Vehicle Code by reference, no new ordinance sections would need to be added. Section 10-17-31 of the Village of Lombard Traffic Code, "Driver and Passenger Required to Use Safety Belts-Exceptions and Penalty" needs to be amended to match the Illinois Vehicle Code.

As part of implementation, I am recommending that the fine amount for compliance citations be set at \$75 for all offenses. This amount is less than half of the fine amount listed currently on uniform traffic citations and is on par with other comparable communities nearby (Addison and Elmhurst). In order to do this, Section 73.09 of the Village of Lombard Code of Ordinances would be amended by adding a column titled "Vehicle Equipment Use or Condition Violation Fine Amount".

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Step one would be \$75.00, steps two and three would be \$100, and step four would be \$125.

As part of implementation, staff would meet with our administrative hearing officer to determine when/if officer appearances would be required at hearing dates. This would likely be treated as court in terms of employee compensation if appearances were required.

Once ordinance modifications are made, the estimated time frame for implementation is 30-60 days. This included training and configuration time for our parking ticket vendor to add compliance citation offenses.

FISCAL IMPACT

At the current average number of traffic citations issued per year as listed above for equipment offenses, the Village could expect an increase of \$8,581 in fines or just over \$6,000 at a 70% collection rate. These numbers assume payment in step one and no increase or decrease in the total number of citations written.

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In addition to the increase in fine money the Village would receive, there is a public relations aspect to returning to the use of compliance citations in lieu of uniform traffic citations. For example, the current cost for a citizen issued a seatbelt citation filed with the Clerk of the Circuit Court if paid by mail is \$164 and over \$300 if paid in court. Issuing the same citation using a compliance citation for a seatbelt violation would represent a 55% reduction in fine if they would have paid via mail and 75% reduction in fine if the citizen would have paid in court. This is something that could be brought to the attention of motorists being cited as well.

Administrative costs for implementation are difficult to project, but would likely not add much to the current workload for parking citations.

CONCLUSION

Implementing the use of compliance citations for seatbelt and other equipment violations would have the following effects:

- Increase fine amounts received by the Village for these offenses.
- Decrease total fine amounts paid by members of the public.

I have attached an amended fine table for TITLE VII, CHAPTER 73, SECTION 73.09 (A) with proposed fine amounts. It is my recommendation that we proceed in implementing the compliance citation program.

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AMENDMENT TO TITLE VII, CHAPTER 73, SECTION 73.09 (A)

Fine Schedule	Vehicle Parking and Standing Violations	Handicapped Parking Fine Amount	Commuter Lot Fine Amount	Fire Lane and Village Sticker Fine Amount	Condition or Use of Vehicular Equipment Violations
STEP 1 Upon service of a "violation notice," the fine amount owed prior to or on the first hearing date shall be:	\$35.00	\$250.00	\$35.00	\$50.00	\$75.00
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:	\$50.00	\$250.00	\$50.00	\$100.00	\$100.00
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	\$50.00	\$250.00	\$50.00	\$100.00	\$100.00
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:	\$75.00	\$250.00	\$75.00	\$150.00	\$125.00

Ordinance No.

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore passed and approved Ordinance 7748, a Schedule of Fines/Penalties, and

WHEREAS, the President and Board of Trustees of the Village of Lombard find that the Lombard Code of Ordinances has been amended from time to time; and

WHEREAS, the Public Safety and Transportation Committee has reviewed the appropriate traffic studies and recommends certain changes to the Lombard Traffic Code; and

WHEREAS, the Corporate Authorities of the Village of Lombard concur in the recommendation of the Public Safety and Transportation Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

Section 1: That Section 73.09 (A) of Title VII of the Village of Lombard Code of Ordinances be amended as follows:

A fourth column with a fine schedule for "Condition or Use of Vehicular Equipment Violations" added with the following fines: Step 1 \$75.00, Step 2 \$100.00, Step 3 \$100.00, Step 4, \$125.00. (shown below)

	Fine Schedule	Vehicular Parking and Standing Violations	Handicapped Parking Fine Amount	Commuter Lot Fine Amount	Fire Lane and Village Sticker Fine Amount	Condition or Use of Vehicular Equipment Violations
STEP 1	Upon service of a "violation notice," the fine amount owed prior to or on the first hearing date shall be:	\$35.00	\$250.00	\$35.00	\$50.00	\$75.00
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:	\$50.00	\$250.00	\$50.00	\$100.00	\$100.00
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:	\$50.00	\$250.00	\$50.00	\$100.00	\$100.00
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:	\$75.00	\$250.00	\$75.00	\$150.00	\$125.00

Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval, publication in pamphlet form and the posting of appropriate signs as provided by law.

Passed on first read this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this ____ day of _____, 2020.

Passed on second read this ____ day of _____, 2020.

Ayes:

Nays:

Absent:

Approved this ____ day of _____, 2020.

Keith T. Giagnorio
Village President

Attest:

Sharon Kuderna
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk