

CHAPTER 6

MOTOR VEHICLES AND TRAFFIC^{1,2}

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¹ See also [chapter 3](#), "Business Regulations"; [chapter 5](#), Health and Sanitation; [chapter 7](#), Offenses and Miscellaneous Provisions; [chapter 8](#), Planning and Development; [chapter 9](#), "Police Department"; and [chapter 10](#), "Streets, Sidewalks, Driveways And Parking Lots"; of this code.

² 625 ILCS 5/1-100 et seq., 5/16-101, 5/16-104 et seq., 5/11-207 et seq.; ILCS S. Ct. Rule 526, 529, 551.

ARTICLE I. IN GENERAL

Sec. 6-1. State Vehicle Code Adopted¹:

(a) The Illinois Vehicle Code, 625 ILCS 5/1-100, et seq., is hereby adopted and incorporated as though fully set out at length herein.

(b) A police officer issuing a uniform traffic citation for a violation of this section shall issue the citation in the name of the Village of Justice and include the following information: (i) name of the defendant; (ii) name of the offense committed; (iii) date and location of the offense; (iv) a citation to this section and, for reference, that section of the Illinois Vehicle Code corresponding thereto; (v) a mark in the box [T.R. Ord.]; and (vi) a brief description of the manner in which defendant committed the offense.

(c) The penalty provisions and fine schedules of the Illinois Vehicle Code are hereby adopted and incorporated as though fully set forth herein. The penalty for violating this section shall be the same as, and correspond to, the penalties governing violations of each respective statutory counter-part of the Illinois Vehicle Code.

(d) Any person who violates any provision of this chapter other than as provided for in (c) above or specifically stated herein shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each such offense. A separate and distinct offense shall

be held to have been committed each day any person continues to violate any of the provisions hereof.

(Code 1972, § 9-1-1; Ord. 84-1, 1-15-1984; Ord. 2013-05, § 1, 4-22-2013; Ord. 2019-41, §1, 12-26-2019)

¹625 ILCS 5/1-100-5/20-402.

Sec. 6-1.1. Definitions:

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipally Owned Property: Includes, but is not limited to, all public streets located within the corporate limits of the Village, all municipally owned parks, all municipally owned buildings and other lots or acreage whether improved or not.

Vehicle: Includes all motorized vehicles and all trailers of any kind but shall not include non-motorized vehicles such as bicycles, tricycles, children's wagons or baby carriages.

(b) No vehicle shall be parked on any Village owned property except as allowed by regulatory signs to be posted not less than sixty feet (60') apart on the curb area of the public street.

(c) Regardless of such posting, no parking shall be allowed on any public street or property within twenty four (24) hours after a snowfall of one inch (1") or more has occurred.

(d) Parking in the area surrounding municipal buildings shall be according to signs posted thereon.

(e) The operator of a vehicle shall not park such vehicle on any street, highway, alley, public way or parkway between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. The Public Works Director is hereby directed to implement the erection of official signs in accordance with the provisions of this subsection.

(f) (1) No second division vehicle, as defined by the Illinois vehicle code¹, registered for an excess of sixteen thousand (16,000) pounds (class H and higher) may be parked on any street, highway, alley, public way or parkway in any residential (R-1,R-2, or R-3) zoned district.

(2) No second division vehicle, as defined by the Illinois vehicle code¹, registered for an excess of sixteen thousand (16,000) pounds may be parked within a building front yard setback, nor within any corner or side yard setback in residential (R-1, R-2, and R-3) zoned areas.

(3) No second division vehicle registered for an excess of sixteen thousand (16,000) pounds may be kept, parked or stored from two o'clock (2:00) A.M. to six o'clock (6:00) A.M. in business or commercial zoned areas (B-1) except where the vehicle is owned by the business and has signage indicating ownership on the vehicle, or the vehicle, displaying proper registration, is in the possession of a licensed repair facility for the purpose of executing a current repair order, or has a valid truck parking sticker and is parked within a registered truck parking facility.

(4) The owner or operator of any parked or stopped truck, van, bus or commercial vehicle shall not run such vehicle's motor while it is parked or stopped, thereby creating a nuisance to residents of the immediate area. Offenders will be issued a citation.

(g) (1) Off street parking facilities accessory to residential uses, in any residential district (R-1, R-2, and R-3), including, but not limited to, private parking lots, shall be used for the parking of passenger vehicles owned by occupants of the dwelling units to which such facilities are accessory or by guests of the occupants; except, however, that not more than two trucks or vans, per residential dwelling unit, each having a gross weight of sixteen thousand (16,000) pounds or less (class F and under), and owned or used by an occupant of a residential dwelling unit, may be parked upon any off street parking facility accessory to a residential structure.

(2) No second division vehicles, in excess of sixteen thousand (16,000) pounds as defined by the Illinois Vehicle Code may be parked in multi-family zoned parking areas.

(3) Under no circumstances shall any parking facility, including, but not limited to, private parking lots, be used for the parking of any truck, trailer, van, commercial vehicle or bus unless each vehicle obtains a valid truck parking sticker and is parked within a registered truck parking facility.

(4) The parking of second division towing and recovery vehicles, less than thirty feet (30') in length and less than eight feet (8') in height, shall be permitted in residentially zoned areas, provided there is displayed a valid Village vehicle sticker or parking permit and only one such vehicle is permitted per residential lot.

(h) No parking of any vehicle shall be allowed on any residential or commercial grassy area in front of the building line.

(Ord. 2019-41, §1, 12-26-2019)

¹625 ILCS 5/1-217.

Sec. 6-2. Parking Restrictions:

(a) It shall be unlawful for any person to park or cause to be parked a motor vehicle on the following: public thoroughfares, rights-of-way, or within ten feet (10') of the curb of the same:

- (1) Seventy-Ninth Street from Roberts Road on the east to the village limits on the west;
- (2) Archer Road from Seventy-First Street to the U.S. Route 45 interchange;
- (3) Archer Road from Eighty-Eighth Avenue to Seventy-First Street;
- (4) Eighty-Third Street from Roberts Road to Eighty-First Avenue.

(b) It shall be unlawful for any person to park or cause to be parked a motor vehicle in the following locations:

- (1) On 81st Street, between 82nd Court and 82nd Avenue between 7:00 AM and 9:00 AM and 2:00 PM and 4:00 PM;

(2) On either side of Industrial Drive from 88th Avenue through the cul-de-sac; and

(3) On 86th Court in the Justice Industrial Park. A tow-away zone is hereby established on 86th Court in the Justice Industrial Park around the cul-de-sac and the Illinois Toll Highway wall at the end of the street. Said tow-away zone shall be painted red on the curb and the wall and the words “NO PARKING – TOW-AWAY ZONE” painted on, or signage secured to, the wall at the end of the cul-de-sac.

(Code 1972, § 9-1-2; Ord. 84-22, 6-21-1984; Ord. 87-26, § 1, 9-14-1987; Ord. 99-11, § 1, 4-12-1999; Ord. 2000-37, § 1, 8-14-2000; Ord. 2001-16, § 1, 5-14-2001; Ord. 2019-12, §1, 5-13-2019; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-3. Vehicle Weight Limit¹:

(a) The gross weight of any vehicle, or any combination of vehicles, and their load operated on a residential street in the village shall not exceed sixteen thousand (16,000) pounds.

(b) The public works department of the village is authorized to post appropriate warning signs of this weight limitation in appropriate locations.

(Code 1972, § 9-1-3; Ord. 2000-31, § 3, 7-10-2000; Ord. 2019-41, §1, 12-26-2019)

¹625 ILCS 5/15-316.

📖 Sec. 6-4. Operation Of Motorcycles, Etc., By Persons Under Sixteen Years Of Age:

It shall be unlawful for any person under the age of sixteen (16) years to operate on the streets of the village a motorcycle, powercycle, bicycle with motor attached, or power scooter, with a motor which produces more than five (5) brake horsepower.

(Code 1972, § 9-1-1; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-5. Violations Of Certain Specified Traffic Offenses:

(a) An officer, upon observing and/or stopping a vehicle that is in violation of an offense listed below, may, issue a minor ordinance violation notice (P-Ticket). The officer shall advise the person of the violation, request the person to make payment of a fine as stated in subsection [6-5\(b\)](#) of this section and inform the person that a complaint will be filed in the Village Administrative court, pursuant to the requirements of section [6-74](#) of this article, if the violation is not settled as specified at the village police department.

Offenses include, but are not limited to those in Chapters 3, 11 and 12 of the Illinois Vehicle Code, however, excluded are misdemeanor, felony offenses, and any moving violations, and any of the following sections of this chapter:

<i>Municipal Code Section</i>	<i>Description</i>
6-2	Parking

6-21	No vehicle sticker
6-22	Improper transfer of vehicle sticker
6-24	No vehicle sticker displayed

(b) A person accused of violating any of the Illinois vehicle code or municipal code sections listed in section [6-5\(a\)](#), may settle and compromise the claim by paying to the village police department on or before the due date noted on the ticket, a fine amount as noted in section [6-79\(a\)](#) step 1 of this article and showing proof of correction of the violations, if applicable. If the fine is not paid by the due date, then the ticket shall be transferred to the Village of Justice hearing officer for placement on the court docket and a notice shall be sent to the offender of the hearing date.

(c) If the offender does not appear on his/her court date, after the third hearing date, the village may request that hearing officer find the offender is in default, and if so ordered, the fees and fines shall be sent for collection.

(d) *Remittance*: The police department shall issue a receipt for the money so received and shall promptly remit such amount to the village.

(Code 1972, § 9-1-5; Ord. 84-2, 1-5-1984; Ord. 2009-15, § 30, 6-22-2009; Ord. 2009-17, § 2, 6-22-2009; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-6. Seizure and Impoundment Of Motor Vehicles:**

(a) *Definitions*: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Aggravated Assault means any violation as defined in §12-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/12-2), as amended from time to time.

Aggravated Battery means any violation as defined in §12-3.05 of the Illinois Criminal Code of 2012 (720 ILCS 5/12-3.05), as amended from time to time.

Aggravated Speeding means any violation as defined in §11-601.5(a) of the Illinois Vehicle Code (625 ILCS 5/11-601.5), as amended from time to time.

Arson means any violation as defined in the following sections of the Illinois Criminal Code of 1961, as amended from time to time: “Arson” (720 ILCS 5/20-1); or “Aggravated Arson” (720 ILCS 5/20-1.1).

Burglary means any violation as defined in the following sections of the Illinois Criminal Code of 2012, as amended from time to time: “Burglary” (720 ILCS 5/19-1); or “Residential Burglary” (720 ILCS 5/19- 3).

Controlled Substances Violation means, except as otherwise authorized by or licensed through the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act, a violation of one or more of the following statutes of the Illinois Controlled

Substances Act or the Illinois Cannabis Control Act: “Manufacture or Delivery of a Controlled Substance” (720 ILCS 570/401); “Controlled Substance Trafficking” (720 ILCS 570/401.1); “Possession of a Controlled Substance” (720 ILCS 570/402); “Possession of More than 10 Grams of Any Substance Containing Cannabis” (720 ILCS 550/4); “Manufacture or Delivery of Cannabis” (720 ILCS 550/5); “Cannabis Trafficking” (720 ILCS 550/5.1); “Delivery of Cannabis on School Grounds” (720 ILCS 550/5.2); or “Unauthorized Production or Possession of Cannabis Sativa Plant” (720 ILCS 550/8).

Drag Racing a violation as defined in §11-506 of the Illinois Vehicle Code (625 ILCS 5/11-506), as amended from time to time.

Driving Under the Influence means any violation as defined in §11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), as amended from time to time.

Driving while License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked means any violation as defined in §6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as amended from time to time, except for suspensions resulting solely from violations of vehicle emission requirements.

Driving without a Valid Driver’s License means a violation of §6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), as amended from time to time, where the driver’s license or driving privileges have never been obtained, or previously have been obtained and have been expired for not less than six (6) months.

Fleeing and Eluding a Peace Officer means any violation as defined in §11-204 of the Illinois Vehicle Code (625 ILCS 5/11-204), as amended from time to time.

Hearing Officer means a licensed attorney who is not an officer or employee of the Village.

Indecent Solicitation of a Child means any violation as defined in §11-6 of the Illinois Criminal Code of 2012 (720 ILCS 5/11-6), as amended from time to time.

Leaving the Scene/Failure to Report/Failure to Provide Information or Aid means any violation as defined in §11-401(a) or (b), §11-402(a), or §11-403 of the Illinois Vehicle Code (625 ILCS 5/11-401 through 5/11-403), as amended from time to time.

Mob Action means any violation as defined in §25-1 of the Illinois Criminal Code of 2012 (720 ILCS 5/25-1), as amended from time to time.

Owner means the record titleholder to a motor vehicle.

Possession of Drug Paraphernalia means, except as otherwise authorized by or licensed through the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act, any violation as defined in §3.5 of the Illinois Drug Paraphernalia Control Act (720 ILCS 600/3.5), as amended from time to time.

Possession of Explosives or Explosive or Incendiary Devices means any violation as defined in §20-2 of the Illinois Criminal Code of 2012 (720 ILCS 5/20-2), as amended from time to time.

Prostitution Violation means a violation of one or more of the following statutes of the Illinois Criminal Code of 2012, as amended: “Prostitution” (720 ILCS 5/11-14); “Solicitation of a Sexual Act” (720 ILCS 5/11-14.1); or “Patronizing a Minor Engaged in Prostitution” (720 ILCS 5/11-18.1).

Retail Theft means any violation as defined in §16-25 of the Illinois Criminal Code of 2012 (720 ILCS 5/16-25), as amended from time to time, when the value of the merchandise exceeds \$150.00.

Insurance Violation means a violation of one or more of the following statutes of the Illinois Vehicle Code, as amended: “Required Liability Insurance Policy” (625 ILCS 5/7-601); or “Insurance Card” (625 ILCS 5/7-602).

Robbery means a violation of one or more of the following statutes of the Illinois Criminal Code of 2012, as amended: “Robbery” (720 ILCS 5/18-1); or “Armed Robbery” (720 ILCS 5/18-2).

Vehicle means any motor vehicle.

Weapons Violation means a violation of one or more of the following statutes of the Illinois Criminal Code of 2012, as amended: “Unlawful Use of Weapons” (720 ILCS 5/24-1); “Unlawful Possession of Firearms and Firearm Ammunition” (720 ILCS 5/24-3.1); or, “Unlawful Sale or Delivery of Firearms on the Premises of any School” (720 ILCS 5/24-3.3).

(Ord. 2020-06, §2, 01-13-2020; Ord. 3030-34, §1, 09-28-2020)

(b) *Violation*. It shall be unlawful for any vehicle to be used in conjunction or association with any of the following offenses:

- (i) Aggravated Assault;
- (ii) Aggravated Battery;
- (iii) Aggravated Speeding;
- (iv) any Arson;
- (v) any Burglary;
- (vi) any Controlled Substance Violation;
- (vii) Drag Racing;

- (viii) Driving Under the Influence;
- (ix) Driving While License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked;
- (x) Driving without a Valid Driver's License;
- (xi) Fleeing and Eluding a Peace Officer;
- (xii) Indecent Solicitation of a Child;
- (xiii) any Leaving the Scene/Failure to Report/Failure to Provide Information or Aid
- (xiv) Mob Action;
- (xv) Possession of Drug Paraphernalia;
- (xvi) Possession of Explosives or Explosive or Incendiary Devices;
- (xvii) any Prostitution Violation;
- (xviii) Retail Theft;
- (xix) any Insurance Violation;
- (xx) any Robbery; and,
- (xxi) any Weapons Violation.

(c) *Seizure and Impoundment of Motor Vehicles.* Whenever a police officer has probable cause to believe that a motor vehicle has been used in violation of subsection (b) above, he shall cause the seizure and impoundment of the vehicle to a facility controlled by the Village or its agents. No vehicle shall be seized and impounded under this subsection unless the police officer determines that such action is necessary and reasonable under the circumstances including, but not limited to, community caretaking functions. If the vehicle is capable of being removed from the scene by an individual who is present on the scene (not otherwise to be taken into custody), and who has permission from the owner of the vehicle to drive the vehicle, and the individual is otherwise capable of lawfully operating a motor vehicle in the State of Illinois, the police officer shall allow that individual to remove the vehicle without the same being subject to seizure and impoundment. Similarly, if the vehicle is parked legally, and/or will not present a hazard to the public safety or otherwise jeopardize the efficient movement of vehicular traffic at its location, the officer shall permit the vehicle to remain at its location without being seized and impounded pursuant to this subsection. Nothing herein shall be interpreted to prevent a police officer from seizing and impounding a vehicle when necessary for investigative purposes or when otherwise authorized pursuant to some other lawful purpose.

(d) *Bond.* Any vehicle seized and impounded under subsection (c) shall be held as bond to secure the personal appearance of the owner at the administrative hearing. If a cash bond in the amount of Five Hundred Dollars (\$500.00) is posted with the Village, the impounded vehicle will be released to the owner, upon the payment by the owner of the towing and storage costs. If a penalty is imposed for a violation of this subsection (b), the cash bond will be forfeited to the Village to satisfy such penalty; provided, in the event that a violation of subsection (b) is not proven, the bond will be returned to the owner. Any form of bond posted pursuant to this subsection will be held by the Village until the hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision. No bond shall be required to be posted in the event a vehicle is not seized and impounded.

(e) *Preliminary Hearing on Impoundment.* Whenever a vehicle is seized and impounded, the police officer shall notify the person identifying himself or herself as the owner of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged violation, of the vehicle owner's right to request a preliminary hearing within twelve (12) hours of the seizure. If the owner of a vehicle seized under the provisions of this section timely requests a preliminary hearing, the Watch Commander or any supervising officer must conduct a preliminary hearing within twenty-four (24) hours after the request for the preliminary hearing is received by the Village; provided that if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday. No preliminary hearing shall be required or granted to an owner whose vehicle was not seized and impounded. For purposes of this section, the following shall apply:

- (1) all interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.
- (2) the formal rules of evidence will not apply at the hearing, and hearsay testimony will be allowed, and will be admissible.
- (3) if, after the conclusion of the hearing, the Watch Commander or supervising officer determines that there was probable cause to believe that the vehicle was being used in violation of subsection (b), and further determines that the seizure and impoundment of the vehicle was proper under subsection (c), he shall order the continued impoundment of the vehicle unless the owner of the vehicle posts a cash bond with the Village in the amount of Five Hundred Dollars (\$500.00). Posting of the bond shall not relieve the owner from paying any applicable towing and storage costs associated with the seizure and impoundment of the vehicle.
- (4) If the Watch Commander or supervising officer determines that there was no probable cause to believe that the vehicle was used in violation of subsection (b), or otherwise determines that the vehicle should not have been seized and impounded pursuant to subsection (c), the motor vehicle will be returned to the owner of record without the posting of the bond and without the costs associated with the seizure and impoundment of the vehicle. A determination that the vehicle should not have been seized and impounded pursuant to subsection (c) has no bearing nor will relieve an owner of responsibility for violating subsection (b) of this section.

(f) *Final Hearing:*

- (1) Notice of Hearing. Any owner issued a citation for a violation of subsection (b) shall have the right to request a hearing to challenge the citation and/or seizure and impoundment. Notice shall be given to the owner of record of the ability to request a hearing. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. Notice by certified mail need not be given when the owner of the vehicle has been personally served with notice, in written form, of his ability to apply for a hearing. If the owner of the vehicle requests a hearing, the Village shall, within ten (10) business days after such request, notify the owner of the date, time and location of a hearing. Notice of the date, time and location of the hearing shall be sent via regular mail.
- (2) Requesting a Hearing. Any person cited for a violation of subsection (b) may apply for a hearing to contest whether the person driving the vehicle was in violation of subsection (b) at the time the citation was issued and/or whether the seizure and impoundment of the vehicle was proper under the circumstances. The application for a hearing shall be made no later than five (5) days after notice has been given either personally or by certified mail, whichever is applicable in the given circumstance. The application to request a hearing shall be provided by the Village at the time notice is given. The bond will be forfeited in the event a hearing is not requested as provided for in this ordinance.
- (3) Hearing. For purposes of this section, the following shall apply to the owners hearing:
 - (A) Unless continued by order of the hearing officer, the hearing shall be held within forty five (45) days the citation was issued.
 - (B) All interested persons will be given a reasonable opportunity to be heard at the final hearing.
 - (C) If, after the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used in violation of Subsection (b), and otherwise determines that the seizure and impoundment of the vehicle was proper pursuant to Subsection (c), the hearing officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the Village a penalty in the amount of Five Hundred Dollars (\$500.00), plus the towing and storage costs. In the event the vehicle was not impounded, an order shall be entered wherein the owner of record shall be liable to the Village in the amount of Five Hundred Dollars (\$500.00).

- (D) If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the Village, which order shall require the payment to the Village of a penalty of Five Hundred Dollars (\$500.00).
 - (E) If the hearing officer determines that the vehicle was not used as hereinabove provided in violation of Subsection (b), the motor vehicle will be returned to the owner of record of the vehicle without any penalty or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.
 - (F) If the hearing officer determines that the vehicle was used in violation of Subsection (b), but determines that the vehicle was not properly subject to seizure and impoundment under Subsection (c), the hearing officer shall enter a judgment against the owner in the amount of Five Hundred Dollars (\$500.00) and release the seized vehicle without towing and storage costs and/or order the reimbursement of towing and storage costs if the vehicle was previously released.
 - (G) The ticket issued shall constitute prima facie evidence that the offense stated was committed.
 - (H) Any penalty assessed shall be a debt due and owing the Village.
- (g) *Unclaimed Vehicles.*
- (1) Any motor vehicle that is not claimed within thirty (30) days after the expiration of the time in which the owner of record may seek judicial review of the action of the Village under this section, or the time at which a final judgment is rendered in favor of the Village by a Court, or the time at which a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an abandoned or unclaimed vehicle, as otherwise provided by law.
 - (2) If the penalty and towing and storage costs are not paid within eighty (80) days after a penalty is imposed, the vehicle shall be deemed to be abandoned and may be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles, unless a petition for judicial review is filed with a court of proper jurisdiction. Where a petition for judicial review of the hearing officer's determination is filed and pending in a court of proper jurisdiction, the vehicle shall not be deemed to be abandoned and shall not be sold. If the petition for judicial review is resolved in favor of the Village, the vehicle shall be deemed abandoned and may be disposed of by the Village if the penalty and towing and storage costs are not paid within thirty (30) days after the date of the Court's order.
- (h) *Liability for Penalty and Costs.*

- (1) The owner of record of a motor vehicle used in violation of subsection (b) shall be liable to the Village for a penalty of Five Hundred Dollars (\$500.00) in addition to any fees for the towing and storage of the motor vehicle.
- (2) Fees for towing and storage are established by the towing company, and not by the Village, except where the motor vehicle is stored on Village property, in which case the storage cost will be established by the Mayor or the Chief of Police.
- (3) A vehicle impounded pursuant to this section shall remain impounded until the earlier of the following occurs:
 - (A) The penalty is paid to the Village, and all towing and storage costs are paid to the towing company; and
 - (B) A bond in amount equal to the liability of the owner as herein provided in Paragraph A above is posted with the Village and all applicable towing and storage costs are paid to the towing company; and
 - (C) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles.
 - (D) Except as otherwise specifically provided by law, no owner, lien holder, or any other person shall be legally entitled to take possession of a motor vehicle impounded under this section until the penalty and all towing and storage costs applicable under this section have been paid in full. Notwithstanding the above, in the event a lienholder has commenced foreclosure proceedings, pays the applicable towing and storage costs, and executes an agreement with the Village to refund to the Village the net proceeds of any foreclosure sale up to Five Hundred Dollars (\$500.00), less any amounts necessary to pay any lienholders of record having priority over the Village's claim. The lienholder shall submit the following documents to the Village as evidence that it has commenced foreclosure proceedings: (1) a certificate of title showing the lienholder as having first priority; (2) the motor vehicle installment agreement; (3) a notarized affidavit detailing the default of the owner/purchaser and any steps taken by lienholder to give notice or an opportunity to owner/purchaser in accordance with its contract; and (4) identification of any contract provisions granting the lienholder right of possession.

(Ord. 2019-41, §1, 12-26-2019; Ord. 2020-34, §2, 09-28-2020)

Secs. 6-7--6-20. Reserved:

📖 **ARTICLE II. VEHICLE LICENSES/STICKERS**^{1,2}

¹ 65 ILCS 5/8-11-4; 625 ILCS 5/2-121.

📖 **Sec. 6-21. Required:**

(a) It shall be unlawful for any owner of any vehicle, residing within the village, to use, or to cause or permit any of his or her agents, employees, lessees, licensees or bailees to use, any vehicle owned by the owner referred to in this section, upon the public ways of the village, unless such vehicle is licensed as provided in this article. This subsection shall also apply to every vehicle which has its situs or base in the village.

(b) No owner of a vehicle described in subsection (a) of this section shall be exempt from the operation of this section, or released from the payment of the license/sticker fee required, by reason of the registering of an automobile or other vehicle in another state or sovereignty beyond the jurisdiction of the state. If such automobile or other vehicle is sited or based in the village it shall be subject to the provisions of this section, even though it has been registered in some other jurisdiction outside of the village or state.

(c) For purposes of this article, a vehicle shall be deemed to have its situs or base in the village if it has been housed in the village over fifty percent (50%) of the time for a period of at least sixty (60) days.

(d) All vehicles housed, stored or kept in the village must display a valid vehicle license/sticker from the village of Justice. Second division vehicles, as defined by the Illinois vehicle code², legally licensed or registered elsewhere must display a parking permit in order to be parked or stored for more than twenty-four (24) hours in the village of Justice unless such vehicle is being kept for the purpose of executing a current repair order. A village of Justice vehicle license/sticker may be issued in place of a parking permit. Parking permit fees shall be at a rate equal to the regular rate of a village vehicle license/sticker for each class of second division vehicle.

(e) No person shall house, store or keep any vehicle in the village unless the vehicle is duly licensed as prescribed herein, with a license/sticker displayed from the village of Justice.

(Code 1972, § 9-2-1; Ord. 95-23, § 1, 10-9-1995; Ord. 99-11, § 2, 4-12-1999; Ord. 2000-31, § 4, 7-10-2000; Ord. 2012-01, § 2, 1-9-2012; Ord. 2019-41, §1, 12-26-2019)

²625 ILCS 5/1-217.

📖 **Sec. 6-22. Application; Issuance; Transfer:**

(a) Licenses shall be available beginning May 1 of each year for the next license term, with licenses to be effective from July 1 of the current year to June 30 of the following year. Any person required by this article to obtain a license/sticker for any vehicle shall file an application therefor with the village upon a form provided by the village, setting forth the name and address of the applicant, the description of the vehicle, and such information as may be prescribed. Such license/sticker shall be issued upon the payment to the village by the applicant of a license/sticker fee as hereinafter provided.

(b) The village shall issue, or cause to be issued, a license/sticker authorizing the use or storage of such vehicle within the village until the expiration of such license/sticker. No vehicle license/sticker shall be transferable to another vehicle. Any new vehicle shall require a new vehicle license/sticker at a transfer fee of five dollars (\$5.00), if a valid license/sticker has already been purchased. New Residents and Owners of vehicles who move into the village or relocate their vehicle so the vehicle is sited or based in the village shall have thirty (30) days to obtain a village vehicle license/sticker.

(Code 1972, § 9-2-2; Ord. 74-4, 2-7-1974; Ord. 94-10, § 2, 6-14-1994; Ord. 99-11, § 3, 4-12-1999; Ord. 2009-15, § 31, 6-22-2009; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-23. License Fee; Term:

(a) *Annual License Fees:* Annual license fees for vehicles, passenger automobiles, motorcycles, trucks and trailers of various classifications shall be as follows:

<u>Type Of Vehicle</u>	<u>Annual License Fee</u>
Passenger automobiles, including ambulances, hearses and recreational vehicles which can be driven (RV plates)	\$ 35.00
Motor bicycles, motor tricycles or motorcycles	\$ 20.00
Senior citizens age 62 or over passenger automobile, class B truck, recreational vehicles which can be driven (RV plates)	\$ 10.00
Handicapped vehicles (with plates)	\$ 5.00
Vehicles with antique plates	\$ 10.00
Disabled veterans, municipally owned vehicles and vehicles with CV plates	No fee

Motor trucks, tractor/semitrailer units and motorbuses:

Class	Annual License Fee
Class B	\$ 40.00
Class D	\$ 60.00
Class F	\$ 65.00
Class H	\$ 75.00
Buses	\$ 85.00
All other classifications	\$ 170.00

Trailers: (non-motorized vehicles):

Class	Annual License Fee
TB, RT over 3,000 lbs.	\$ 20.00

TC-TE	\$ 35.00
Above TE	\$ 170.00

(b) *Late Registration Penalty*: An additional fee in an amount equal to the cost of the annual license/sticker fee shall be charged as a late registration penalty for any applicant applying for a license/sticker on or after July 1 of the current year.

(c) *Rates On Licenses/Stickers Purchased After January 1*: Any person applying for a vehicle license/sticker after January 1 of each year for a vehicle which was not required to be licensed by the village prior to January 1 shall be charged one-half (1/2) the rate of the annual license/sticker.

(Code 1972, § 9-2-3; Ord. 78-20, 5-4-1978; Ord. 84-3, 1-19-1984; Ord. 88-6, § 1, 3-28-1988; Ord. 91-15, §§ 1-3, 6-24-1991; Ord. 93-7, § 1, 3-22-1993; Ord. 94-10, § 1, 6-14-1994; Ord. 97-8, § 1, 3-24-1997, eff. 7-31-1997; Ord. 97-16, §§ 1-3, 5-27-1997; Ord. 98-20, § 1, 5-26-1998; Ord. 99-11, § 4, 4-12-1999; Ord. 99-38, § 1, 11-8-1999; Ord. 2009-15, § 31, 6-22-2009; Ord. 2012-01, § 3, 1-9-2012; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-24. Tags, Stickers On Vehicles:**

Upon the issuance of a license/sticker under this article, the village shall deliver to the applicant a gummed tag or sticker upon which shall appear the word “Justice” and a number identical with the number of such license/sticker and the year for which such license/sticker is issued. It shall be the duty of the applicant to affix such gummed tag or sticker upon the lower passenger side corner of the windshield of the motor vehicle or, if there is no windshield, then in a conspicuous place upon the vehicle where it can be readily seen. It shall be unlawful for any motor vehicle, although duly licensed, to be used upon the streets, avenues or alleys of the village or to be kept, housed or stored anywhere in the village unless such tag or sticker is attached thereto. Violation of this Section will result in a Violation Notice being issued with fines in accordance with Section 6-79 of this Code. However, a resident owner shall not be required to display on his or her vehicle the gummed tag or sticker issued by the village if his or her vehicle is displaying the plate or tag or license number issued by the place wherein the vehicle has its situs or base.

(Code 1972, § 9-2-4; Ord. 99-11, § 5, 4-12-1999; Ord. 2009-15, § 31, 6-22-2009; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-25. Sale Or Transfer Of Vehicle:**

Immediately upon the sale or transfer of any vehicle which has been licensed as required by this code prior to its date of sale or transfer, the license tag or sticker shall be removed from the vehicle, and the license previously issued for that vehicle shall cease to apply to the motor vehicle from that date. Upon a showing to the village that the tag or sticker has been removed from any sold or transferred vehicle, the village may issue, for a fee of five dollars (\$5.00), a new tag bearing a new number, which shall apply to and be assigned to any other vehicle of the same class owned by the transferor.

(Code 1969, Ch. 20, Art. 2; Code 1972, §9-2-5; Ord. 99-11, § 6, 4-12-1999; Ord. 2009-15, § 31, 6-22-2009; Ord. 2019-41, §1, 12-26-2019)

Secs. 6-26-6-40. Reserved:

ARTICLE III. RELOCATION OF VEHICLES

Sec. 6-41. Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Vehicle-(a) any vehicle which has been left unattended on a public way for a period of at least ten (10) hours in a state of disrepair rendering it inoperable or capable of being driven in its condition; (b) any vehicle which has been left unattended on a public way without state registration plates or a temporary state registration placard for two (2) or more days; or (c) any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

Apparently Deserted means: (a) a vehicle whose appearance is indicative of its possession being disclaimed; (b) a vehicle being found or parked in an area or location which is not within a one mile of its owner's residence; or (c) a vehicle found in a condition which is not indicative a reasonable degree of care for the well being of the vehicle or its contents.

Expeditious Repair means: (a) the parts for repair have been ordered but are not yet available for installation for reasons beyond the owner's control; (b) the repairs to the vehicle shall be completed within thirty (30) days, or (c) the vehicle is inoperable because of a recent accident and the owner is scheduled or intends to schedule the vehicle's repair and the vehicle will be relocated off-premises for such repairs within thirty (30) days.

Hazardous Motor Vehicle means any motor vehicle located on a public way which by its condition or location constitutes a clear and present danger to the safety of the public or an obstruction to the normal flow of traffic or which has been involved in an accident and is disabled or cannot be immediately moved by the owner of the vehicle.

Inoperable Motor Vehicle means any motor vehicle located on private property and in public view for at least fourteen (14) days which cannot be driven safely or legally due to the removal of the engine, wheels or other parts. An inoperable motor vehicle shall not mean a vehicle that is temporarily inoperable because repairs are under way provided that the repairs are completed within fourteen (14) days.

Owner means any person who holds legal title to the vehicle or a person legally entitled to possess a vehicle as identified from the registration files of the Illinois Secretary of State or other similar agency if registered outside the State of Illinois.

Public Way means any public street or thoroughfare in the Village of Justice.

(Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-42. Immediate Relocation of Motor Vehicles:

Members of the police department are authorized to cause the immediate removal of a motor vehicle from any public way under the following circumstances:

- (a) when a vehicle qualifies as a hazardous motor vehicle;
- (b) when an unattended vehicle is parked illegally in an officially designated and marked “tow zone;”
- (c) when an unattended vehicle is parked illegally in a area designated for handicapped users;
- (d) when the location of a motor vehicle constitutes an obstruction to emergency snow removal or street or sewer maintenance;
- (e) when a vehicle is in violation of any provision of the Illinois Vehicle Code and said Code authorizes or requires (*See, e.g.,* 625 ILCS 5/6-101 and 625 ILCS 5/4-203) the immediate towing and impoundment for that violation;
- (f) when a vehicle is reported as being stolen;
- (g) when a vehicle is subject to immediate relocation or removal under the Criminal Code of 2012;
- (h) when an officer believes immediate relocation is necessary in the performance of community caretaking functions such as the protection of the vehicle from damage or theft; or
- (i) when towing or removal is necessary as an incident to an arrest.

Members of the police department, when practical, should attempt to notify the owner by telephone, or through other means, in order to allow the person the opportunity to request a preliminary hearing or to claim or remove the vehicle so as to avoid the expenses associated with a police ordered relocation.

(Code 1972, § 6-7-2; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-43. Relocation of Other Vehicles :

Members of the police department are authorized to cause the removal of all other motor vehicles from a public way under the following circumstances:

- (a) when a vehicle qualifies as an abandoned vehicle;
- (b) when a vehicle is parked in violation of any ordinance of the Village or any State law prohibiting the parking, standing or stopping in certain places for a period of at least twenty-four

(24) hours but is not located in a designated “tow-zone,” handicapped area, or does not otherwise qualify as being abandoned or hazardous; or

(c) when the location of a motor vehicle constitutes an obstruction to snow removal, street cleaning, or street or sewer maintenance, or another planned event, and notice of such activities was posted in the vicinity for a period of at least forty-eight (48) hours ahead of the relocation.

(Code 1972, § 6-7-3; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-44. Inoperable Motor Vehicles:

Members of the police department are authorized to cause the removal of inoperable motor vehicles from private property provided pre-relocation notices and the opportunity to request a pre-location hearing has been provided. Pre-relocation hearings pursuant to the removal of inoperable motor vehicles from private property shall be afforded in accordance with the procedures set forth in Section 6-46. Provided, however, an owner of an inoperable vehicle shall have seven (7) days after the delivery of a pre-relocation notice by letter to request a hearing. A request for hearing stays the relocation of the vehicle pending the hearing and decision. At the hearing, if a vehicle is determined to be inoperable, an owner may request an extension of time for the vehicle’s relocation to a date not beyond thirty (30) days. Said extension shall be granted upon a showing that the vehicle is being held for sale or expeditious repair. After the hearing, a date shall be set by which the vehicle shall be disposed of or enclosed. All requests or findings pursuant to an extension shall be documented in the Chief of Police’s or other supervising officer’s written decision. In the event the vehicle is not disposed of or enclosed by the date identified, the vehicle shall be relocated without further prior notice or hearing assuming the circumstances have not changed warranting an additional hearing. All owners of inoperable vehicles which are relocated from private property shall be afforded process as specified in Section 6-47. Nothing in this section shall be interpreted to create a duty on behalf of the Village to give prior notice and a hearing to an owner of an inoperable motor vehicle before its relocation from private property if the vehicle poses an immediate threat to the health, safety and welfare of the public due to its location or condition.

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-45. Pre-Relocation Notice Contents and Service:

When a vehicle is subject to relocation for being parked illegally, abandoned, or being inoperable, the following pre-relocation notices shall be provided:

(a) Sticker. A pre-relocation notice in the form of a sticker shall be entitled “Notice of Intent to Tow,” and shall be affixed to a window of the vehicle which is proposed to be relocated. The sticker shall contain the date and time of posting, the date and time at which the vehicle will be relocated, the basis for the proposed relocation, the phone number of the police department, and the owner’s opportunity to request a preliminary hearing.

(b) Letter. A pre-location notice in the form of a letter shall be delivered by certified mail, return receipt requested, to the address of the owner of the vehicle as indicated in the most current registration list of the Secretary of State. The Notice shall advise the owner of the location of the vehicle, the basis for the proposed relocation, the date and time at which the vehicle will be relocated, the opportunity and manner in which a preliminary hearing may be requested, and the location of the relocation facility operator where the vehicle will be held if relocated.

(Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-46. Pre-Relocation Hearing Procedures:

An owner of a vehicle to be relocated pursuant to this Article shall have the right to request a preliminary hearing before the date and time identified for the relocation of the vehicle or, if the vehicle has already been relocated, within seven (7) business days after any notice was post-marked.

(a) Request for Hearing. The owner may make a request for a pre-relocation hearing to the police department in person, in writing, or by telephone. The Chief of Police or any supervising officer must conduct a hearing within twenty-four (24) hours after the request for a hearing is received. Provided, however, if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the pre-relocation hearing may be held on the next business day following the Saturday, Sunday or legal holiday. Notice of the date, time and location of the pre-relocation hearing shall be provided to the owner. If a request for a pre-relocation hearing is received by the Village before the date and time at which the vehicle was proposed to be relocated, the vehicle shall not be relocated until a hearing and a decision is rendered by the Chief of Police or other supervising officer. Nothing herein shall deprive an owner of a post-tow hearing or the right to contest the vehicle's eligibility for relocation during that proceeding.

(b) Hearing. For purposes of this Section, the following shall apply to pre-relocation hearings:

(1) All interested persons will be given a reasonable opportunity to be heard at the pre-relocation hearing.

(2) The formal rules of evidence will not apply at the hearing, and hearsay testimony will be allowed, and will be admissible.

(3) The Chief of Police or supervising officer's decision shall be based upon the preponderance of evidence.

(4) No Chief of Police or supervising officer shall preside over a hearing regarding the relocation of a vehicle if he/she played a part in the decision to designate or authorized the designation of that vehicle as being eligible for relocation.

(5) If, at the conclusion of the hearing, the Chief of Police or supervising officer determines that the vehicle is not eligible for relocation under this Article, an oral and written decision shall be issued and the vehicle shall not be relocated. If the vehicle has already been relocated, the Chief of Police or supervising officer shall issue a release and no

charge order to the owner which shall be brought to the relocation service facility. The relocation facility operator shall release the vehicle immediately at no expense to the owner. If the vehicle has already been released to the owner, the Chief of Police or other supervising officer shall issue a refund order requiring the relocation facility operator to refund any monies previously paid by the owner for the vehicle's release. A written decision of the Chief of Police's or supervising officer's determination shall be sent to the owner by first-class mail no later than three (3) business days following the hearing.

(6) If, at the conclusion of the hearing, the Chief of Police or supervising officer determines that the vehicle is/was eligible for relocation, he shall orally transmit his decision to the owner. A written decision shall also be issued to the owner by first-class mail no later than three (3) business days following the hearing. The owner shall be provided with a reasonable period of time after the decision to relocate the vehicle at his own expense. In the event the owner does not relocate the vehicle, the Chief of Police or supervising officer shall order the vehicle's relocation.

(7) No vehicle shall be relocated prior to the date and time of relocation identified in the pre-tow notice.

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-47. Post-Relocation Hearing Procedures:

The following procedures shall apply to post-relocation hearings:

(a) Notice of Hearing. Within twenty-four (24) hours after a vehicle is relocated pursuant to this Article, the Village shall notify the owner of record of the motor vehicle of such relocation, the location of the relocation facility at which the vehicle is being held, instructions on how to obtain a release of the vehicle, the ability to request a post-relocation hearing, and the date, time and location of the post-relocation hearing where the owner may contest the validity of the relocation. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Secretary of State.

(b) Hearing. For purposes of this Section, the following shall apply to the owners hearing:

(1) Unless continued by order of the hearing officer, the hearing shall be held within forty-five (45) days after the motor vehicle was seized.

(2) All interested persons will be given a reasonable opportunity to be heard at the hearing.

(3) The formal rules of evidence will not apply at the hearing, and hearsay testimony will be allowed, and will be admissible.

(4) The hearing officer's decision shall be based upon the preponderance of evidence.

(5) If, after the conclusion of the hearing, the hearing officer determines that the vehicle was not eligible for relocation under this Article, he shall issue a release and no charge order to the owner which shall be brought to the relocation service facility. The relocation facility operator shall release the vehicle immediately at no expense to the owner. If the vehicle has already been released to the owner, the hearing officer shall issue a refund order requiring the relocation facility operator to refund any monies previously paid by the owner for the vehicle's release. A written decision of the hearing officer's determination shall be sent to the owner by first-class mail no later than three (3) business days following the hearing.

(6) If, after the conclusion of the hearing, the hearing officer determines that the vehicle was properly relocated under the provisions of this Article, he shall issue a written determination of his findings to the owner. The hearing officer's decision shall be sent by first-class mail no later than three (3) business days following the hearing.

(c) Other Process. When a person is issued a citation he will be afforded the opportunity to contest or challenge the propriety of a vehicle relocation at an administrative hearing, the procedures established by the code provisions governing the citation shall apply.

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-48. Release Procedures:

The following procedures shall apply for the release of relocated vehicles:

(a) Unless a vehicle is held pursuant to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle, the owner of a vehicle relocated under this Article may obtain the immediate release of the vehicle by paying the full amount of all applicable towing and storage fees charged by the relocation facility operator. Obtaining an immediate release of the vehicle through full payment shall not affect an owner's right to contest the relocation.

(b) No vehicle shall be released to an owner by the relocation facility operator before the Village issues a release order. A release order may be obtained from the Village of Justice Police Department upon a finding that there is no other reason to delay the immediate release of the vehicle.

(c) No person shall be permitted to remove a relocated vehicle from the custody of the relocation facility operator unless he has furnished evidence of his identity and the right to possession of the vehicle and sign a receipt for the vehicle.

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-49. Administrative Review:

The final decision of the hearing officer in a post-relocation hearing shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/3-101, *et seq.*

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-50. Unclaimed Vehicles:

Vehicles which have been relocated and which remain unclaimed by the owner shall be disposed of in accordance with the Illinois Vehicle Code.

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-51— 6-59. Reserved.

ARTICLE IV. DUI EMERGENCY RESPONSE FEES

Sec. 6-60. DUI Emergency Response Fees:

The village president and board of trustees will determine an established rate of costs and charges for the response of emergency vehicles and personnel in regard to DUI cases. The cost and charges will be changed from time to time as needed by recommendation of the police chief.

The costs and charges will include:

- (1) Each on scene police officer and police vehicle.
- (2) Each on scene officer and vehicle of the Emergency Management Agency (EMA).
- (3) Each on scene village personnel and village vehicle.

(Ord. 2019-41, §1, 12-26-2019)

Secs. 6-61-6-70. Reserved:

ARTICLE V. ADJUDICATION OF VEHICULAR REGULATION VIOLATIONS

Sec. 6-71. Purpose:

The stated purpose of this article is to provide a fair and efficient method of enforcement of municipal vehicular standing, parking, and compliance of vehicle regulation violation(s) and other municipal regulation violation(s) as may be allowed by law, through the administrative adjudication of violation(s) of municipal ordinances regulating the standing, parking and compliance of vehicles within the geographic boundaries of this municipality and a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties.

(Ord. 2019-41, §1, 12-26-2019)

Sec. 6-72. Administrative Composition:

The system of administrative adjudication of violations of this Article shall provide for a traffic compliance administrator, hearing officer, computer operator/system coordinator and hearing room personnel with the power, authority and limitations as are hereinafter set forth:

(1) *Traffic Compliance Administrator*: The traffic compliance administrator shall be empowered and is hereby authorized and directed to:

- (a) Operate and manage the system of administrative adjudication;
- (b) Adopt, distribute and process violation notices and other notices as may be required under this article or as may be reasonably required to carry out the purpose of this article;
- (c) Collect monies paid as fines and/or penalties assessed after a final determination of violation(s) liability;
- (d) Certify copies of final determination(s) and liability and factual report(s) verifying that the final determination of liability was issued in accordance with this article;
- (e) Certify reports to the secretary of state;
- (f) Review final determination(s) of liability, validity of notices of impending impoundment or validity of notice of impending driver's license suspension, in accordance with the provisions of this article hereinafter set forth;
- (g) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created;
- (h) Collect unpaid fines and penalties by filing complaints in the circuit court or selecting or appointing an individual or agency to act on behalf of this municipality in filing complaints seeking judgments for unpaid fines or penalties and pursuit of all post-judgment remedies available by current law; and
- (i) Utilize the agency or tow firm designated by the village board and/or chief of police to tow and impound vehicles in accordance with the provisions of this article.

(2) *Hearing Officer*: The hearing officer shall be empowered and is hereby authorized and directed to:

- (a) Preside over the administrative hearings, established herein, as the adjudicator;
- (b) Administer oaths;
- (c) Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation;
- (d) Assess fines and penalties as are established in section [6-79](#) of this article.
- (e) Make final determination of liability and the validity of notices of impending driver's license suspensions; and
- (f) Provide for the accurate recording of hearing(s).

(3) *System Coordinator/Computer Operator*: The system coordinator/computer operator is hereby authorized and directed to operate and maintain the computer program(s) for the administrative adjudication system on a day to day basis, including, but not limited to:

- (a) Input of violation notice information;
- (b) Input of hearing dates and notice dates;
- (c) Input of fine and penalty assessments and payment(s);
- (d) Issue payment receipts;
- (e) Issue succeeding notices of hearing dates, final determinations of liability, notices of impending impoundment and notices of impending driver's license suspension, as directed by the traffic compliance administrator in accordance with the provisions hereinafter set forth;
- (f) Issue certified notices to the Illinois Secretary of State and chief of police; and,
- (g) Keep accurate records of appearances and nonappearances at administrative hearings, pleas entered, fines and penalties assessed and paid.

(4) *Hearing Room Personnel*: The hearing room personnel shall be empowered and 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 traffic compliance administrator.

(5) *Appointments*: The village president, with the advice and consent of the village board, is hereby authorized to appoint persons to hold the positions above set forth. One person may hold and fulfill the requirements of one or more of the above stated positions.

(6) *Compensation*: Compensation to be paid for each of the above stated positions shall be in accordance with section [2-34](#) of this code.

(Ord. 94-16, 8-2-1994; Ord. 2009-14, § 5, 6-22-2009; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-73. Procedure:**

The system of administrative adjudication of 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 driver's license suspension, impoundment of vehicle and collections shall be made only in accordance with the provisions set forth below:

(1) *Authiorization*: All sworn police officers, as well as the sworn code enforcement officer(s) shall have the authority to issue violation(s) notices.

(2) *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.

(3) *Violation Notice*: The 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 offense violated;
- (c) Vehicle make and State registration number;
- (d) The fine and any penalty which may be assessed in accordance with section 6-79 of this code;
- (e) The signature and identification number of the person issuing the violation notice;
- (f) A section entitled "Instructions" which shall clearly set forth the procedures for the registered owner or lessee to appear at the initial administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified by:
 - (i) Checking or placing a mark in a space provided and clearly identified, "Request for Hearing" in the Violator Instructions.
 - (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 Traffic Compliance Administrator postmarked by the twenty fifth of the month, if the violation notice was issued between the first through the fifteenth day of the month; or postmarked by the tenth of the month, if the violation notice was issued between the sixteenth and the end of the prior month. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator;
- (g) That payment of the indicated fine and any late payment penalty may operate as a final disposition of the violation;
- (h) A Section in the Violators Instructions entitled, "Non-Resident Appearance Waiver", which clearly sets forth that a nonresident registered owner or lessee may appear at the initial administrative hearing to contest the validity of the violation notice without personally appearing by:
 - (i) Checking or placing a mark in a space provided and clearly identified, "Non-Resident Appearance Waiver".
 - (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 "Non-Resident Appearance Waiver" portion fully completed, with the Traffic Compliance Administrator postmarked by the twenty fifth of the month, if the violation notice was issued between the first through the fifteenth day of the month; or postmarked by the tenth of the month, if the violation notice was issued between the sixteenth and the end of the prior month. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator.

(v) Filing a notarized statement of facts specifying the grounds for challenging the violation notice which must be filed with the Traffic Compliance Administrator postmarked by the twenty fifth of the month, if the violation notice was issued between the first through the fifteenth day of the month; or postmarked by the tenth of the month, if the violation notice was issued between the sixteenth and the end of the prior month. The request shall be deemed filed, if postmarked by the due dates herein specified.

(vi) A clearly marked statement that execution of the nonresident appearance waiver is a waiver of the nonresident's right to a personal appearance and that the adjudication will be made based upon the notarized statement of facts submitted by the nonresident and the facts contained in the violation(s) notice(s).

(5) *Service.* Service of the violation(s) notice(s) shall be made by the person issuing such notice by:

- (i) Affixing the original or a facsimile of the notice to the vehicle in violation or
- (ii) Handing the notice to the registered owner, operator or lessee of the vehicle, if present, or
- (iii) By first class mail.

(6) *Notice certified.* The correctness of facts contained in the violation(s) notice(s) shall be certified by the person issuing said notice by:

- (i) Signing his/her name to the notice(s) at the time of service, or
- (ii) In the case of a 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 notices produced by the device while under his/her control.

(7) *Record kept.* The original or a facsimile of the violation(s) notice(s) shall be retained by the Traffic Compliance Administrator and kept as a record in the ordinary course of business.

(8) *Prima facie 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.

(9) *Admissibility.* The violation(s) notice(s) or a copy(s) shall be admissible in any subsequent administrative or legal proceeding.

(Ord. No. 94-16, 8-2-94; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-74. Administrative hearings.**

An administrative hearing to adjudicate the alleged violation(s) on its merits:

(1) *Right to hearing.* Shall be granted to the registered owner or operator of the cited vehicle, pursuant to 625 Illinois Compiled Statutes 5/11-208.3 or the lessee of the cited vehicle, pursuant to 625 Illinois Compiled Statutes 5/11-1306, incorporated herein by reference.

(2) *Date.* Hearing dates shall be at the date, time and place as is set forth by notice issued and served, or such additional notices issued in accordance with this Article. Violators shall be given no less than three (3) opportunities to appear, and failure to appear by the third scheduled hearing date will result in a final determination of liability as hereinafter set forth.

(3) *Recorded.* Shall be electronically recorded.

(4) *Decision.* Shall culminate in a determination of liability or no liability, made by the Hearing Officer, who shall consider testimony and other evidence without the application of the formal or technical rules of evidence. The Hearing Officer shall, upon a determination of liability, assess fines and penalties in accordance with Section [6-79](#) hereof.

(5) *Representation by attorney.* Persons appearing to contest the alleged violation on its merit may be represented by counsel at their own expense.

(6) *Review.* The final determination of any matter which may be decided by the Hearing Officer may be reviewed as is hereinafter set forth.

(Ord. No. 94-16, 8-2-94; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-75. Additional notices.

Upon failure of the registered owner or lessee of the cited vehicle to appear at the administrative hearing indicated in the notice(s), or upon final determination of violation liability, the Traffic Compliance Administrator shall send or cause to be sent additional notices which:

(1) Shall be sent to the registered owner or lessee of the cited vehicle at the address as is recorded with the Secretary of State.

(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.

(3) Shall be sent by first class mail, postage prepaid.

(4) Service of additional notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

(5) 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 notice(s), additional notice(s) shall be sent, as above set forth, and shall contain, but not be limited to the following information:

(1) Date and location of violation cited in the violation(s) notice(s).

- (2) The particular offense violated.
- (3) Vehicle make and State registration number.
- (4) The fine and any penalty which may be assessed in accordance with section 6-79 of this code.
- (5) Notice to the registered owner or lessee of their current status, other than paid in full.
- (6) Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.
- (7) 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, may result in a final determination of liability for the cited violation in the amount of the fine and penalty indicated.

(8) Statement that upon the occurrence of a final determination of 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) A notice of final determination of liability shall be sent following an appearance by the violator and a determination of liability, or the failure to appear by the violator by the third and final hearing date upon conclusion of any administrative and/or judicial review, as is hereinafter set forth, and the notice 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 Municipality.

(2) 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 judgement in accordance with 625 Illinois Compiled Statutes 5/11-208.3(f), incorporated herein by reference.

(3) 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 three (3) or more vehicular violations;

(4) A warning that the person's drivers license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations; under sub section 625 Illinois Compiled Statutes 5/6-306.5, incorporated herein by reference.

(c) A notice of impending suspension of a person's drivers 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).

(1) 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 notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 Illinois Compiled Statutes 5/6-306.5 incorporated herein by reference.

(2) The notice of impending driver's license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State.

(Ord. No. 94-16, 8-2-94; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-76. Final determination of liability.

A final determination of liability shall:

(1) Occur following the failure to pay the total assessed fine or penalty after the Hearing Officer's determination of liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth, or

(2) 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 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.

(Ord. No. 94-16, 8-2-94; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-77. Administrative Review Reconsideration:

A petition to set aside a determination of 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:

(1) 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.

(2) 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.

(3) 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 violation(s) notice(s) was issued.

(b) The person 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.

(4) 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(s) shall be complete on the date the notice(s) is deposited in the United States mail.

(Ord. No. 94-16, 8-2-94; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-78. Non-resident Procedures:

Non-residents of this municipality who have been served vehicular standing, parking, or compliance regulation violation(s) notice(s) and filed a Non-Appearance Waiver in accordance with section 6-73 this article, 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:

(1) Completing, in full, the “non-resident request for hearing” section of the violation notice, served upon him or her pursuant to this article.

(2) Signing the nonresident request for hearing in the space specified in the violation notice, and acknowledging that his or her personal appearance is waived and submitting to an adjudication based upon the notarized statement filed by him or her and the facts contained in the violation notice.

(3) Filing the violation notice with the “request for hearing” section fully completed with the traffic compliance administrator postmarked by the twenty fifth of the month, if the violation notice was issued between the first through the fifteenth day of the month; or postmarked by the tenth of the month, if the violation notice was issued between the sixteenth and the end of the prior month. The request shall be deemed filed upon receipt by the traffic compliance administrator.

(4) Filing a notarized a statement of facts specifying the grounds for challenging the violation notice which must be filed with the traffic compliance administrator postmarked by the twenty fifth of the month, if the violation notice was issued between the first through the fifteenth day of the month; or postmarked by the tenth of the month, if the violation notice was issued between the sixteenth and the end of the prior month. The request shall be deemed filed upon receipt by the traffic compliance administrator. The acceptance of a nonresident request for hearing after the due date or with cause, at the discretion of the traffic compliance administrator, be accepted for hearing consideration and decision.

(5) The hearing officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed by the nonresident as is contained in the violation notice.

(6) Notice of the determination of the hearing officer shall be served upon the nonresident by first class mail, postage prepaid, addressed to the nonresident at the address set forth in the statement of facts submitted.

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

(8) All other provisions of this article shall apply equally to nonresidents of this municipality.
(Ord. No. 94-16, 8-2-94; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-79. Schedule Of Fines/Penalties:

(a) The fines and penalties which shall be imposed for violations other than specifically stated, and including the exception of 625 ILCS 5/11-1301.3, et seq pertaining to handicapped fines and 625 ILCS 5/12-603.1 pertaining to seatbelts shall be as follows:

FINE PAYMENT SCHEDULE

STEP	FINE SCHEDULE	GENERAL FINE AMOUNT
1	Upon service of a “violation notice” issued and paid prior to or on the day of the hearing, the fine amount will be:	\$50.00
2	Having failed to pay the fine amount specified in step #1, prior to, or on the original hearing date, the fine amount, will be:	\$100.00
3	Having failed to pay the fine amount specified in step #2, prior to or on the second hearing date, the fine amount, will be:	\$175.00
4	Having failed to pay the fine amount specified in step #3, prior to or on the third hearing date, the fine amount, will be:	\$250.00

(1) Fines for violation of Section 11-1301.3(a) of the IVC shall be a maximum of \$350.00.

(2) Fines for violation of Section 11-1301.3(a-1) of the IVC shall be \$600.00 for the first offense and \$1,000.00 for the second and subsequent offenses.

(3) Fines for violation of Section 12-603.1 of the IVC pertaining to seatbelts shall initially be \$25.00.

(b) The fines and penalties herein set forth shall be uniformly applied for each violation of any applicable municipal ordinance.

(c) The municipality adopts by reference all current and future local standing, parking or condition of vehicle ordinances, and those provisions of the Illinois Compiled Statutes governing

the standing, parking, or condition of vehicles, for its enforcement and adjudication within the geographical boundaries of the municipality and in those areas subject to off-street parking agreements.

(d) Any fine or penalty amount imposed in accordance with the schedule in subsection (a) of this section, by a hearing officer upon a determination of liability for violation of vehicle regulations pursuant to the requirements of section [6-74](#) of this article, shall include an additional administrative fee of twenty-five dollars (\$25.00) for each violation that is a subject of the hearing to reimburse the village for the costs of the hearing.

(Ord. 94-16, 8-2-1994; Ord. 97-20, § 1, 6-9-1997; Ord. 97-36, § 1, 11-10-1997; Ord. 2009-17, §§ 3, 4, 6-22-2009; Ord. 2010-27, § 2, 12-14-2010; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-80. Certified Report And Contesting Certified Report:

(a) 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 traffic compliance administrator 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.

(b) The traffic compliance administrator 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 traffic compliance administrator 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.

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

(1) 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

(2) The person has paid the fine and/or penalty for the ten (10) or more violations indicated on the certified report.

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

(Ord. 94-16, 8-2-1994; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-81. Immobilization/Towing And Impoundment:

(a) Any motor vehicle whose registered owner has been determined to be liable for three (3) or more vehicular standing, parking, compliance regulation or automated traffic law violation(s),

for which the fines or penalties assessed remain unpaid, may be immobilized or towed and impounded if:

(1) The person determined to be liable for three (3) or more violations is the registered owner of a motor vehicle located within the municipality geographical boundaries.

(2) A notice of impending vehicle immobilization and right to challenge the validity of said notice by disproving liability for the unpaid final determinations of parking, standing, compliance or automated traffic law liability set forth on the 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) A listing of the violations for which the person has been determined to be liable, which shall include for each violation:

(i) The vehicular standing, parking, compliance regulation or automated traffic law violation notice number.

(ii) Date of issuance.

(iii) Total amount of fines and penalties assessed.

(B) 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.

(C) 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 traffic compliance administrator 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 traffic compliance administrator.

(3) 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 traffic compliance administrator to contest the validity of the notice.

(4) Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity of said notice, by disproving liability for the unpaid final determinations of parking, standing, compliance or automated traffic law violation liability listed on the notice, on the next available hearing date, but in no case shall the hearing be scheduled later than sixty (60) days after the request for hearing is filed.

(A) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.

(B) Notice shall be sent by first class mail, postage prepaid, to the address as is set forth on the request for hearing.

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

(b) The registered owner of a vehicle(s) immobilized or towed and impounded under this section shall have the right to an administrative hearing to be held at the next regularly scheduled administrative court session without the requirement of payment of outstanding fines and penalties for which final determination has been made.

(1) The traffic compliance administrator shall serve a post- immobilization and post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall advise the registered owner of the right to a hearing to challenge the validity of the immobilization or impoundment and which shall contain, but not be limited to, the following information:

(A) Date of immobilization or towing and date of impoundment.

(B) Location of vehicle.

(C) That the vehicle was immobilized under this section for nonpayment of fines or penalties assessed for the violation of three (3) or more violations of vehicular standing, parking, compliance or automated traffic law regulation(s) for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.

(D) Date that the notice of impending immobilization or towing and impoundment was issued.

(E) 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 traffic compliance administrator within, but not later than, fourteen (14) days of the date of the notice which shall be deemed filed upon receipt by the traffic compliance administrator.

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

(A) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.

(B) Notice shall be sent by first class mail, postage prepaid, to the address as is set forth on the request for hearing.

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

(3) 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.

(c) A vehicle immobilized or impounded pursuant to this section shall be released to the registered owner thereof, or his or her agent, upon payment of the fines and penalties due and

owing the municipality as specified in the notice sent in accordance with subsection (a)(3) of this section, and upon payment of a fee of Fifty Dollars (\$50.00) for the installation and removal of an immobilization device, if any, and upon payment of towing charges and accrued daily impound charges, if any, or upon order of the hearing officer following the hearing contesting the validity of the impoundment.

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

(1) The individual, agency or company is fully licensed according to local and state law.

(2) The individual, agency or company is fully insured.

(3) 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.

(Ord. 94-16, 8-2-1994; Ord. 98-33, §§ 1, 2, 8-10-1998 Ord. 2011-14, § 2, 9-12-2011; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-82. 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 5/3-101 et seq., incorporated herein by reference.

(Ord. 94-16, 8-2-1994; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-83. Debt To Municipality:

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this article and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this article 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 violation shall constitute a final disposition of that violation.

(Ord. 94-16, 8-2-1994; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-84. Judgment:

(a) The traffic compliance administrator 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 monies from the person(s) who has 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 article and 625 ILCS 5/11-208.3 by:

(1) 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.

(2) The complaint filed by the traffic compliance administrator 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 article and 625 ILCS 5/11-208.3.

(3) 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.

(4) Pursuing all available remedies, allowed by law, to collect money judgments.

(b) 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 article 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 violation(s) does not exceed two thousand five hundred dollars (\$2,500.00).

(Ord. 94-16, 8-2-1994; Ord. 2019-41, §1, 12-26-2019)

Secs. 6-85-6-90. Reserved:

ARTICLE VI. LOCAL TRAFFIC

Sec. 6-91. Local Traffic Only Signs:

The chief of police is hereby authorized to enact or cause to be enacted "Local Traffic Only" signs whenever construction within the village causes vehicles traveling on a through street to use local village streets to avoid traffic delays. These signs shall be erected in prominent positions so that motorists can easily observe and obey said signs.

(Ord. 95-8, § 2, 5-22-1995; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-92. Enforcement:

The police are authorized to issue appropriate citations whenever vehicles violate such signs.

(Ord. 95-8, § 3, 5-22-1995; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-93. Penalties:

The penalty provisions of section [1-7](#) of this code shall apply to such violations.

(Ord. 95-8, § 4, 5-22-1995; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-94. Seat Belts:

(a) All persons within the municipal boundaries are required by law to wear seat belts in accordance with 625 ILCS 5/12-603 and 603.1 which shall be enforced by the village of Justice police department.

(b) A violation of this section shall be a petty offense and subject to a fine not to exceed twenty-five dollars (\$25.00).

(c) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section.

(Ord. 2002-23, § 1, 7-8-2002; Ord. 2009-17, § 7, 6-22-2009; Ord. 2019-41, §1, 12-26-2019)

Secs. 6-95-6-100. Reserved:

ARTICLE VII. MOTORIZED SCOOTERS, MOPEDS AND SIMILAR DEVICES

Sec. 6-101. Motorized Scooters Or Mopeds:

(a) The vehicle code for the state of Illinois, 625 ILCS 5/1 et seq., provides that riders of any motorized scooter or moped must have a valid Illinois driver's license, license plate and insurance. No passengers are allowed on the motorized scooters or mopeds unless they are sitting in a separate seat.

(b) No person shall operate a motor driven scooter or moped anywhere except on a public street as approved by the Illinois Vehicle Code or on private property.

(1) *Exemptions:* The following shall be exempt from the prohibitions contained in this subsection (b):

(A) Any police vehicle, fire vehicle, municipal vehicle, special district vehicle, county vehicle, forest preserve district vehicle, or state vehicle operated by an employee in the course of his or her duties.

(B) Motorized wheelchairs. For purposes of this subsection (b), a "motorized wheelchair" means any motorized vehicle designed for and used by a person with disabilities.

(C) Electric personal assistance mobility devices, as defined in 625 ILCS 5/1-117.7 of the Illinois Vehicle Code.

(c) Violators of the statute are subject to a village of Justice citation and fine not to exceed five hundred dollars (\$500.00) plus court costs, plus the cost of impoundment of the scooter which shall be no less than one hundred dollars (\$100.00) to cover the cost of impoundment.

(Ord. 2003-27, § 2, 7-28-2003; Ord. 2005-06, §§ 2, 3, 4, 2-14-2005; Ord. 2019-41, §1, 12-26-2019)

Secs. 6-102–6-104: Reserved:

ARTICLE VIII. AUTOMATED TRAFFIC ENFORCEMENT

Sec. 6-105. Definitions:

As used in this article, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning was intended:

- (a) *Administrator* means the village’s traffic control administrator and/or his or her designee.
- (b) *Automated Traffic Law Enforcement System* means a device within the village of Justice with one (1) or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (“Code”), 625 ILCS 5/11-306, or similar violation of the Justice Municipal Code. The automated traffic law enforcement system shall not be used to enforce speed regulations.
- (c) *Automated Traffic Law Violation* means a “disregarding a traffic control device” violation or a “no turn on red” violation, as those terms are defined in this section.
- (d) *Certified Report* means a report to the Illinois Secretary of State concerning five (5) or more unsatisfied automated traffic law violations.
- (e) *Code* means Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.
- (f) *Disregarding A Traffic Control Device* means a failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code. Disregarding a traffic control device, for purposes of the automated traffic law enforcement system, shall not include: 1) those instances when a motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of the Code, during the cycle of the red signal unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where the driver is required to stop, as specified in Section 11-306(c) of the Code, or similar violation of the Justice Municipal Code; or 2) those instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to green within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle’s size or weight.
- (h) *No Turn On Red* means failure to stop and remain stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating “No turn on red,” or other similar language, and a red signal as provided for in Section 11-306 of the Code.
- (i) *Recorded Images* means images produced by the automated traffic law enforcement system, which consist of either: two (2) or more photographs; two (2) or more microphotographs; two (2) or more electronic images; or a video recording showing the motor

vehicle and, on at least one (1) image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(j) *Village* means the village of Justice, Cook County, Illinois.

(Ord. 2008-31, § 2, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2012-19, § 1, 7-23-2012, Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-106. System Establishment:**

There is established within the village an automated traffic law enforcement system program.

(a) The village shall have the discretion to locate individual automated traffic law enforcement systems at such intersections as may be deemed appropriate.

(b) An intersection equipped with an automated traffic law enforcement system shall be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(c) The village shall provide notice to drivers on its website of the location of all intersections equipped with an automated traffic law enforcement system.

(d) Any intersection equipped with an automated traffic law enforcement system shall have a yellow change interval that conforms to the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(e) The village shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an in intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable time period following the installation of the automated traffic law enforcement system. If the statistical analysis for the thirty-six (36) month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored, additional studies shall be undertaken to determine the cause and severity of the accidents, and the village may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at the intersection.

(Ord. 2008-31, § 3, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012, Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-107. Reserved:**

 **Sec. 6-108. Office of Traffic Control Administrator:**

There is hereby established the office of Traffic Control Administrator, which shall be filled by appointment of the Village President with the advice and consent of the Trustees. The Administrator, or his or her designee, shall be authorized to adopt, distribute and process

violation notices and other notices required by this article and the Code, collect money paid as fines and penalties for automated traffic law violations, and administer the administrative adjudication system for automated traffic law violations. The Administrator is also authorized to draft and issue any certified reports to the Illinois Secretary of State as required by this article and the Code. The Administrator shall make the recorded images of a violation accessible to an alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(Ord. 2008- 31, § 5, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-109. Automated Traffic Law Violation:

It shall be unlawful to “disregard a traffic control device” or violate a “no turn on red” as those terms are defined in this article.

(Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-110. Violation Notice:

(a) When the automated traffic law enforcement system records a motor vehicle violating section 6-109 of this article, the Administrator shall issue a written violation notice to the registered owner of the vehicle, which shall be mailed within thirty (30) days after the Illinois Secretary of State notifies the Village of the identity of the registered owner of the vehicle, and in no event later than ninety (90) days following the violation. If any notice to an addressee is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner of the cited vehicle. The second notice shall be made *via* first class mail postage prepaid. Service shall be complete on the date the notice is placed in the United States mail.

(b) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the Administrator received within 120 days after the violation occurred, the lessor provides within sixty (60) days after such receipt the name and address of the lessee. The driver’s license number of a lessee may be subsequently individually requested by the Administrator if needed for enforcement purposes. Upon the provision of information by the lessor, the Administrator shall issue the violation notice to the lessee of the vehicle in the same manner as it would issue a violation notice to a registered owner, and the lessee may be held liable for the violation, and all other provisions applicable to owners in this article shall apply to the lessee.

(c) Before a violation notice is issued, a determination must be made by a technician employed or contracted by the Village that, based on the inspection of recorded images generated by the system, the motor vehicle was being operated in violation of section 6-109 of this article. Upon determination that the recorded image captures a violation, a violation notice shall be issued and served upon the registered vehicle owner in the manner provided for above. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. The Administrator, or his/her designee shall retain a copy of all violation notices, recorded images and other correspondence mailed to the registered owner of the motor vehicle.

Such documents shall be kept in the ordinary course of business. Each violation notice and the recorded images shall constitute evidence of the facts contained in the notice and is admissible in any proceeding relative to the violation, and shall be *prima facie* evidence of a violation.

(d) The violation notice shall include the following information:

- (i) the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
- (ii) the make (only if discernable) and registration number of the motor vehicle involved in the violation;
- (iii) the violation charged;
- (iv) the location where the violation occurred;
- (v) the date and time of the violation;
- (vi) a copy of the recorded images;
- (vii) the amount of the civil fine imposed, and the date on which the civil fine should be paid;
- (viii) a statement that recorded images constitute *prima facie* evidence of a violation;
- (ix) a statement that a failure to pay the civil fine, or to contest liability in a timely fashion, is an admission of liability and may result in the suspension of driving privileges of the registered owner of the vehicle, as well as the imposition of additional penalty of \$100 for failure to pay the original fine in a timely manner;
- (x) a statement that the person may elect to proceed by paying the fine or challenging the charge at the administrative hearing;
- (xi) a statement that the payment of any fine, and the payment of any applicable penalty for late payment, shall operate as a final disposition of the violation;
- (xii) a statement of how an administrative hearing may be requested; and
- (xiii) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(Ord. 2008-31, § 6, 10-27-2008; Ord. 2011-15, § 2, 9-11-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2012-19, § 2, 7-23-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-111. Hearing:

(a) The registered owner or lessee of a motor vehicle being operated in violation of section 6-109 of this article may request a hearing in person to challenge the evidence or contest the citation by mail. The violation notice shall be prima facie evidence of a violation, subject to rebuttal on the basis of applicable defenses. Formal rules of evidence will not apply at the hearing. Hearings shall be recorded, and the hearing officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at the hearing may be represented by counsel at their own expense. A registered owner or lessee that fails to appear at a hearing which he or she has requested will be found in default and a final determination will be entered.

(b) The following defenses are the only defenses that may be considered by the Hearing Officer for a violation of section 6-109 of this article:

- (i) the operator of the vehicle was issued a Uniform Traffic Control Citation by a police officer for the same incident;
- (ii) the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation. Provided, however, to demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner;
- (iii) the vehicle was leased to another, and within sixty (60) days after the citation was mailed to the lessor, lessor submitted to the Village, together with a copy of the lease agreement, the lessee's driver's license number, and any additional information as may be required;
- (iv) the vehicle was an authorized emergency vehicle;
- (v) the operator of the vehicle passed through the intersection when the light was red in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession; or,
- (vi) the respondent was not the registered vehicle owner or lessee of the cited vehicle at the time of the violation.

(c) Individuals who have been served with a Notice of Violation may contest the validity of the violation, using the same available defenses as stated above, without personally appearing at the administrative hearing. To do so, the individual must complete and return the remittance portion of the Notice of Violation. Additionally, the individual shall submit a notarized statement of the facts that he is relying upon to establish any one of the defenses referenced in this section. The individual may also submit documentary evidence to be considered by the Hearing Officer. By returning the remittance, the individual acknowledges that he is waiving the right to appear

personally before the Hearing Officer.

Any individual wishing to avail himself of this section must submit the remittance and any other documentation to be considered by the Hearing Officer, to the Village, by the respond-by date listed on the Notice of Violation. The Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination. The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed, any additional documentary evidence, and the facts contained in the Notice of Violation. Notice of the determination of the Hearing Officer shall be served via first class mail, postage prepaid, addressed to the addressed to the registered owner at the address listed on the Illinois Secretary of State database. Service of the notice shall be complete on the date the notice is placed in the United States mail. Any individual may seek review of the Hearing Officer's determination through the mechanisms provided in this article.

(d) No additional fee shall be charged to an alleged violator for exercising the right to an administrative hearing.

(Ord. 2008-31, § 8, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2012-19, § 3, 7-23-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-112. Final Determination Of Liability:

A final determination of an automated traffic law violation liability shall occur under the following circumstances:

- (i) upon the failure to pay the fine or penalty after the Hearing Officer's determination of liability and the exhaustion of or failure to exhaust administrative review; or
- (ii) where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified, the Hearing Officer's determination shall become final upon the denial of a timely petition to set aside a determination, or upon the expiration of the period for filing the petition without a filing having been made.

(Ord. 2008-31, § 9, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-113. Final Determination Of Violation Liability Notice:

A final determination of an automated traffic law violation notice shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The notice shall include the following information:

- (i) a statement that the unpaid fine or penalty is a debt due and owing the Village of Justice; and

- (ii) a warning that a failure to pay any fine or penalty due and owing the Village of Justice may result in the filing of a petition in the Circuit Court of Cook County to have unpaid fine or penalty rendered as a judgment or may result in the suspension of the person's driver's license for failure to pay fines or penalties for five (5) or more automated traffic law violations.

(Ord. 2008-31, § 10, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2012-19, § 4, 7-23-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-114. Petition To Set Aside Determination:

(a) A petition to set aside determination of an automated traffic law violation must be filed with or mailed to the Administrator within fourteen (14) days of the date of mailing of the final determination of liability notice. The grounds for the petition are limited to:

- (i) the person was not the owner or lessee of the cited vehicle on the date of the violation occurred;
- (ii) the person has paid the fine or penalty for the violation in question; or
- (iii) excusable failure to appear at or request a new date for a hearing.

(b) Upon receipt of a timely petition to set aside the determination of liability, the Administrator, or his designee, shall review the petition to determine if sufficient cause has been shown to set aside the determination. If cause has been shown, the Administrator shall forward to the petitioner a new hearing date on which the petitioner must appear to present his case on the underlying violation. The Administrator shall notify the petitioner of his decision to grant a hearing or deny the petition within fourteen (14) days of his decision.

(Ord. 2008-31, § 11, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-115. Notice of Impending Driver's License Suspension:

(a) A notice of impending driver's license suspension shall be sent to the person liable for failing to pay any fine or penalty that remains due and owing on five (5) or more automated traffic law violations. The notice shall state the following information:

- (i) the failure to pay the fine or penalty owing within forty-five (45) days of the notice's date will result in the Administrator notifying the Illinois Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code; and
- (ii) a statement that the person may obtain a photostatic copy of the original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the Administrator along with a request for the copy.

(b) The notice shall be sent *via* first class mail, postage prepaid, to the address recorded with the Illinois Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(Ord. 2008-31, § 12, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-116. Driver's License Suspension:

(a) The Administrator, by certified report, shall request that the Illinois Secretary of State suspend the driving privileges of an owner of a registered vehicle or lessee who has failed to pay any fine or penalty due and owing the Village of Justice as a result of five (5) automated traffic law violations. The report shall be certified and contain the following information:

- (i) the name, last known address as recorded with the Illinois Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Section is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty, or who has defaulted in a payment plan, and the registration number of any vehicle known to be registered to such person in the State of Illinois;
- (ii) the name of the municipality making the report;
- (iii) a statement that a suspension notice has been sent to the person named in the report at the address recorded with the Illinois Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice is returned as undeliverable, at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent; and,
- (iv) an unique identifying reference number for each request of suspension.

(b) The Administrator shall notify the Illinois Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty, whenever the person has entered into a payment plan pursuant to which the Village has agreed to terminate the suspension, or whenever the Village determines that the original report was in error. A certified copy of such notification shall also be given to the person named therein upon request and at no additional charge.

(Ord. 2012-09, § 2, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

📖 Sec. 6-117. Challenging The Accuracy Of Certified Report:

(a) If the Administrator provides a suspension notice and subsequently makes a certified report to the Illinois Secretary of State, the vehicle owner may challenge the accuracy of the certified report in writing.

(b) The vehicle owner shall submit to the Administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the certified report:

- (i) that the person was not the owner or lessee of the subject vehicle or vehicles receiving five (5) or more automated traffic law violations on the date or dates such violation(s) occurred; or
- (ii) that the person already paid the fine or penalty owing indicated on the certified report.

(c) A statement challenging the accuracy of a certified report shall be sent to the Administrator via certified mail, return receipt requested, or hand-delivered to the Administrator within five (5) days after the person receives notice from the Illinois Secretary of State that the person's driver's license will be suspended at the end of a specified period of time unless the secretary is presented with notice from the Village certifying that the fines or penalties due and owing have been satisfied or that the inclusion of the person's name on the certified report was in error.

(Ord. 2008-31, § 13, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-118. Penalty:**

(a) Any person violating section 6-109 of this article shall be fined \$100 for each offense.

(b) If a person fails to request a hearing and does not otherwise pay the applicable fine within fourteen (14) days following a Final Determination of Liability, an additional penalty of \$100 will be automatically assessed against the violator.

(c) Any costs incurred by the Village to collect penalties (including attorney's fees and collection agency fees) not paid in a timely manner shall be assessed against a violator.

(Ord. 2008-31, § 15, 10-27-2008; Ord. 2011-15, § 2, 9-12-2011; Ord. 2012-09, § 1, 3-12-2012; Ord. 2018-05, §1, 04-23-18; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-119. Reserved:

 **ARTICLE IX. MOTOR VEHICLE REGULATIONS IN PRIVATE PARKING LOTS**

 **Sec. 6-120. Definitions:**

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Owners shall mean actual legal owner, the trust officer of a financial institution having the right to manage and control such property, or a person having the legal right, through lease or otherwise, to manage or control the property.

Parking Lot shall mean any area, or areas, of land near or contiguous to a school, church, hospital building, shopping center, commercial or industrial facility, apartment complex, condominium complex, but not the public highways or alleys, and used by the public as the means of access to and egress from such buildings and the stores and business establishments at a shopping center, and for the parking of motor vehicles.

(Ord. 2015-01, § 1, 1-26-2015; Ord. 2019-41, §1, 12-26-2019)

 **Sec. 6-121. Regulations:**

The following regulations may be enforced by the village upon the election and agreement of the owner(s) of any school, church, hospital building, shopping center, commercial or industrial facility, apartment complex, or condominium complex, and mobile home park which shall be recorded with the Justice Police Department.

(1) It shall be unlawful for any person to operate a motor vehicle in a parking lot in excess of a posted speed limit.

(2) It shall be unlawful for any person to operate a motor vehicle in a parking lot in violation of any posted traffic control sign, signal or device. The standard applicable to obeying any such sign, signal or device shall be the same as codified in the Illinois Vehicle Code for highways.

(3) It shall be unlawful for any registered owner of a motor vehicle to permit the stopping, standing or parking of his or her vehicle in a parking lot except within designated parking spaces.

(4) It shall be unlawful for any registered owner of a motor vehicle to permit the stopping, standing or parking of his or her vehicle in a parking space reserved for persons with disabilities unless the vehicle is properly displaying authorized disability license plates or decals and the person operating the vehicle is the authorized holder of the disability license plates or decals or transporting the authorized holder thereof.

(5) It shall be unlawful for any registered owner of a motor vehicle to permit the stopping, standing or parking of his or her motor vehicle within a parking lot during prohibited hours as posted in the parking lot. Provided, however, any motor vehicle having affixed on the windshield a decal or sticker constituting a parking permit issued by the owners shall not be subject to this restriction.

(6) It shall be unlawful for any registered owner of a motor vehicle to permit the stopping, standing or parking of his or her motor vehicle within a designated fire lane or traffic lane or within twenty (20) feet in any direction of a fire hydrant, wall hydrant, water standpipe or a fire exit door.

(7) It shall be unlawful for any registered owner of a motor vehicle to permit the stopping, standing or parking of his or her vehicle within an apartment or condominium parking lot unless the occupants thereof are authorized guests of the complex.

(8) It shall be unlawful for any registered owner of a motor vehicle to permit the stopping, standing or parking of his or her motor vehicle within a parking lot of a shopping center if the

occupants are not present conducting business at an establishment to which the parking lot serves.

(9) It shall be unlawful for any registered owner of a motor vehicle to permit the overnight stopping, standing or parking of his or her motor vehicle within a parking lot of a shopping center.

(Ord. 2015-01, § 1, 1-26-2015; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-122. Penalty:

Any person found to be in violation of any provision of this article shall be fined not less than two hundred fifty dollars (\$250.00). Provided, however, any person found to be in violation of section 6-121(4) shall be fined in accordance with the schedule for the corresponding violation under 625 ILCS 5/11-1301.3. Each day a violation occurs or is permitted to continue constitutes a new and separate violation.

(Ord. 2015-01, § 1, 1-26- 2015; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-123. Administration:

The following provisions shall govern the administration of citations written for a violations of this article:

(1) Citations issued for violating any stopping, standing or parking regulation in a private parking lot shall be administered through [Chapter 6, Motor Vehicles and Traffic, Article V, Adjudication of Vehicular Regulation Violations](#).

(2) Citations issued for violating any regulation governing the movement of vehicles in a private parking lot shall be administered through the courts.

(Ord. 2015- 01, § 1, 1-26-2015; Ord. 2019-41, §1, 12-26-2019)

Sec. 6-124. Enforcement:

No regulation provided in this article shall be enforceable in a private parking lot until the later of the following events:

(1) The installation of any signs, signals or devices as may be applicable to the regulation(s) to be enforced in the private parking lot; and

(2) Three (3) days after an agreement, executed by the owner of the parking lot and village, has been recorded with the Justice Police Department.

(Ord. 2015-01, § 1, 1-26-2015; Ord. 2019-41, §1, 12-26-2019)