

## CHAPTER 6- MOTOR VEHICLES , TRAFFIC, AND LOCAL CODE ENFORCEMENT

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CHAPTER 6

MOTOR VEHICLES AND TRAFFIC

ARTICLE 1

GENERAL PROVISIONS

6.1.01      INCORPORATION BY REFERENCE:

- A. Chapter 95 1/2 of the Illinois Revised Statutes is hereby incorporated by reference into this Municipal Code, in accordance with Section 20-204 of Chapter 95 1/2 of the Illinois Revised Statutes.
  
- B. Citations written for violations of provisions of this Article shall cite the appropriate Section of Chapter 95 1/2 as sufficient description of the nature of the violation.

6.1.02      DEFINITIONS: For purposes of this Chapter, "Parking Violation" shall refer to all violations of those traffic regulations concerning the standing or parking of vehicles as further defined by the following sections of the Country Club Hills City Code: Sections 6.1.01, 6.2.02, 6.2.03, 8.1.08, 15.6.07, 15.9.02 inclusive. The term "IVC" shall refer to the Illinois Motor Vehicle Code, 625 ILCS 5/1-100 *et.seq.*. For purposes of this Chapter, all references to males shall refer to females, where applicable.

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"Compliance Violation" shall refer to a violation of any of the following sections of the City Code:

- 5.1.10            Deposits on streets
- 5.1.11            Deposits on Sidewalks
- 6.2.04            Local Bicycle Regulations
- 7.1.01            Children on Streets at Night
- 7.1.02            Permitting Children to Violate Curfew
- 7.1.04            Truancy Prohibited
- 7.1.05            Parental Responsibility
- 7.2.12            Amplifiers
- 7.2.15            Fireworks
- 7.5.05            Specific Nuisances Prohibited
- 7.5.06            Drug and Gang Houses, Houses of Prostitution and Other Disorderly

	Houses
7.7.01	Disposal Of Ice Boxes, Refrigerators and Ice Chests
7.7.05	Weed Control
7.8.02	Uncovered Garbage
7.8.03	Wind-Blown Refuse
7.8.04	Deposits on Streets
7.8.05	Consent of Owner
7.8.06	Disposal
7.8.07	Refuse Removal

7.8.08	Refuse Containers
7.8.09	Separation
7.8.10	Placement of Containers
9.1.04	Creation of a Nuisance
9.2.01	Licenses
9.2.05	Display of License Tag
9.2.06	Unlicensed Dog or Cat
9.2.07	Dogs on Leash
13.28.11	Soliciting Within a Public Highway Right of Way
13.30.05	Garage and Rummage Sale

"Compliance Violation" shall also refer to a violation of any of the following sections of the Illinois Vehicle Code, adopted under Chapter 6 of the Local Ordinances of the City of Country Club Hills, Illinois:

3-112(b)	Failure to transfer title within five days
3-401(a)	No valid registration - never applied
3-404	No bill of lading or manifest/dispatch record
3-411(a)	Failure to carry registration card or reciprocity permit - second division vehicle
3-413(a,b)	Improper Display of License Plates
3-413(f)	Operation of vehicle with expired registration plate or sticker
3-416	Failure to notify the Secretary of State of name/address change
3-701(1)	No valid registration - no valid plate or sticker obtained

3-701(2)	No valid registration - reciprocity, prorate or apportionment
5-201(h)	No in-transit plates
5-202(e)	Failure to display three tow-truck plates
11-1419.01	Failure to display Illinois Motor Fuel Tax Identification Card
11-1419.02	Failure to display external Illinois Motor Fuel Tax Identification Card
11-1507(a)	Operation of bicycle without lamp and reflector
11-1507.1	Operation of motorized pedacycle without lamp and reflector
12-101(a)	Operator of vehicle with unsafe equipment 12-201(a) Operation of motorcycle without lighted headlamp
12-201(b)	Driving vehicles other than motorcycles without two lighted headlamps and tail lamps when required
12-201(c)	No white rear registration light
12-202(a,b)	insufficient clearance, identification or side marker lamps and reflectors - second division vehicle
12-203 (a)	Failure to use parking lights while vehicle is standing on highway
12-204	Improper lamp or flag on projecting load
12-205	Improper use of lamps on towing and towed vehicles
12-207(a)	Improper use of more than one spot lamp
12-207(b)	Improper use of more than three auxiliary driving lamps
12-208(a)	No stop signal lamp or device
12-209(c)	Defective back-up lights
12-210(a)	Failure to dim headlights/auxiliary driving lamps within 500 feet on approach of vehicle
12-210(b)	Failure to dim headlights /auxiliary driving lamps within 300 feet of vehicle in same direction
12-211(a)	Improper lighting on vehicles other than motorcycles - only one headlamp
12-211(b)	Improper use of more than four lighted headlights/auxiliary driving lamps
12-212(a)	Improper use of red light visible from front of vehicle
12-212(b)	Improper use of red light visible from front of vehicle
12-215	Unlawful use of oscillating, rotating or flashing lights
12-301	Use of defective brakes
12-401	Unlawful use of metal studded tire
12-405(d)	Use of unsafe tire
12-501(a)	Operation of vehicle without windshield
12-502	Operation of vehicle without rear reflecting mirror
12-503(a)	Obstructed view of windshield or side windows adjacent to driver
12-503(b)	Unlawful application of tinted film to windshield or window(s) adjacent to

- driver - all vehicles manufactured after 12/31/81
- 12-503(c) Obstructed view of any window by stationary or suspended object(s)
- 12-503(d) Operation of vehicle without windshield cleaning device; operation of vehicle with view obstructed by snow, ice or moisture
- 12-503(e) Obstructed view due to defective condition or repair of any window
- 12-601(a) Operation of vehicle with defective horn
- 12-601(b) Unlawful possession or use of siren
- 12-602 Operation of vehicle with defective or modified exhaust system
- 12-603(b) Operation of vehicle without two front seat safety belts - vehicles of 1961 or later model years
- 12-603.1 Failure of driver/front seat occupant(s) to use seat safety belt
- 12-604(a) Operation of vehicle with television receiver visible to driver
- 12-606 Operation of tow truck without:
- (a) Identifying sign attached on each side
  - (b) Required equipment - one broom, shovel, trash can and fire extinguisher
  - (c) Removing roadway debris and spreading dirt or sand on oil/grease deposits
  - (d) Insurance policy in cab
- 12-607(a) Operation of vehicle with unlawfully altered vehicle suspension system - body lifted in excess of three inches from chassis
- 12-607.1(a) Operation of first division vehicle with frame in excess of 22 inches above ground
- 12-607.1(b) Operation of second division vehicle with frame in excess of specified limits above ground - refer to statute
- 12-608(a) Operation of vehicle with a gross vehicle weight rating of 9000 pounds or less or a recreational vehicle without two bumpers
- 12-608(a) Operation of vehicle with unlawful bumper height
- 12-610(a) Operation of vehicle while wearing headset receiver
- 12-702 Operation of second division vehicle without carrying flares/warning devices
- 12-707 Overloaded school bus, commuter van or motor vehicle used for hire
- 12-711 Operation of garbage truck, roll-off hoist or roll-on container without



	audible backing warning system
12-806	Failure to cover school bus sign
12-808	Operating school bus without fire extinguisher
12-809	Operating school bus without first aid kit
12-810	Transporting handicapped passenger(s) without restraining device
13-111	Operating second division vehicle without certificate of valid safety test attached to windshield
13A-104(c)	Failure to display valid unexpired emission inspection sticker
15-105	Load projecting in any excess beyond left fenders or six inches beyond right fenders of first division vehicle
15-106	Failure to fasten protruding component
15-108	Failure to plank edge of pavement for any vehicle in excess of 8000 pounds
15-109(a)	Spilling load on highway
15-109(b)	Operating loaded vehicle without securely fastened covering
15-109.1	Operating second division vehicle with material escaping from vehicle
15-114	Unlawful pushing of disabled vehicle
18C-4104(a)	Operation as intrastate carrier without license; operation as interstate carrier without registration
18C-4604(1)	Operation without current cab card and Illinois identifier
18C-4604(3)	Use of a cab card and Illinois identifier issued to another carrier
18C-4604(4)	Failure to present a cab card and Illinois identifier
18C-4701(1)	Operation of intrastate carrier without trade name or logo, license and registration number
40/3-1	Operation of unnumbered snowmobile
40/4-1	Operation of snowmobile without required equipment
40/5-1(D)	Operation of snowmobile without one lighted headlamp and one lighted tail lamp

"Due Date" If a citation is issued between the first and the fifteenth of the month, the Due Date shall be the twenty fifth of the same month. If the citation is issued between the sixteenth and the last day of the month, the Due Date shall be the tenth of the following month.

"IVC" shall refer to the Illinois Motor Vehicle Code, 625 ILCS 5/1-100 et seq.

6.1.03            ADOPTION OF ADMINISTRATIVE ADJUDICATION SYSTEMS: The City of Country Club Hills hereby adopts a system or administrative adjudication of compliance a violations as authorized by section 11-208.3 of the IVC and the City's home rule powers.

6.1.04            ADJUDICATION PROCEDURE: All parking violations shall be adjudicated in accordance with the procedures set forth in Sections 6.1.05 through 6.1.13 of the City Code.

6.1.05            VIOLATION NOTICES: Violation notices shall specify the date, time and place of the violation; the particular regulation or ordinance violated; the fine and any penalty that may be assessed for late payment; the vehicle make and state registration number, when applicable; and the identification number of the person issuing the notice.  
The violation notice shall also state that the payment of the indicated fine, and of any applicable penalty for late payment shall operate as a final disposition of the violation.  
The violation notice shall also contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

6.1.06            MANNER OF ISSUING A VIOLATION NOTICE; AUTHORIZED PERSONS: Police officers and such other parties as designated by the City Council from time to time are authorized to serve violation notices. The officer or other designated party serving the violation notice shall certify as to the correctness of the facts entered on the notice by signing his or her name to the notice at the time of service or in the case of a notice produced by computerized device, by signing a single certificate to be kept by the Traffic Administrator attesting to the correctness of all notices produced by the device while it was under his or her control.

Service of a violation notice shall be by one of the following methods:

- a)        By handing the notice to the violator; or
- b)        By first class United States mail, postage prepaid to the last known address of the property owner, where the violation involves the condition or use of real property;
- c)        In the case of parking violations, by affixing the original or a facsimile of the notice

to the vehicle if the violator is not present or if the violator refuses to accept personal service of the notice.

6.1.07      CITY TRAFFIC ADMINISTRATOR POSITION CREATED: Thereis hereby created the position of City Traffic Administrator. The Traffic Administrator shall be appointed by the Mayor or his designee with the advice and consent of the city council. The Traffic Administrator shall have such duties as are set forth in Section 11-208.3(b) (1) of the IVC, and such other duties as may be assigned by the Mayor and City Council or City Manager from time to time. The Traffic Administrator may, but need not be, an employee of the city. The position of Parking Administrator is hereby abolished.

6.1.08      NOTICES: The following notice and hearing procedure for the administrative adjudication of parking violations is hereby established:

- A. A violation notice as set forth in 6.1.05 of the City Code constitutes the first notice of violation.
- B. A second notice of violation, sent by first class mail, postage prepaid to the address of the registered owner of the cited vehicle or to the lessee of the cited vehicle at the addressee's last known address, shall be sent specifying the date and location of the violation, and such other information as might be required by Section 11-208.3 (b) (5)(i) of the IVC, and notifying the date, time and location of the hearing on the merits of the violation.
- C. Subsequent notice of hearing in the event of failure to appear on the hearing date set forth above.

6.1.09      HEARINGS: The Hearing Officers shall conduct all hearings authorized to be conducted for parking violations. The Mayor and City Council may designate the City Traffic Administrator to serve as a Hearing Officer. In addition, the Mayor and City Council may appoint additional persons to serve as Hearing Officers. Hearing Officers shall receive compensation as is established by the Mayor and City Council from time to time.

Hearings shall be conducted at the City Hall or such other location designated by the Traffic Administrator in accordance with a schedule as my be established by the Traffic

Administrator. At the hearing the owner of the vehicle may contest the merits of the alleged violation. In addition, the lessee of a vehicle may likewise be provided the opportunity for a hearing. The hearing shall be recorded. The Hearing officer shall be empowered to administer oaths, and secure by subpoena both the attendance and testimony of witnesses and the production of relevant documents. Hearing attendees may be represented by counsel at their expense. The decision and determination of the Hearing Officer on all parking violations is final. Payments of the fine or penalty shall be made within seventy-two (72) hours of the Hearing Officer's decision.

In lieu of personally appearing at the hearing, individuals who are nonresidents of the City may submit a written statement of reasons upon which they contest the merits of the alleged violation. The notice as provided in Section 6.1.08 shall advise nonresidents of this option. Any written response by a nonresident must be submitted to the Hearing officer no less than forty-eight (48) hours prior to the time of the hearing at which the violation will be considered. Upon review of the written statement of reasons, the Hearing officer will issue his final determination in the manner set forth herein above.

6.1.10 FINAL DETERMINATIONS OF LIABILITY: A final determination of parking violation liability occurs upon failure to pay the fine or penalty after a hearing officer's determination of violation liability within seventy-two (72) hours from such determination. Where a person fails to appear at a hearing, the Hearing officer shall make a final determination of liability at the hearing.

6.1.11 DRIVER'S LICENSE SUSPENSION; NOTICE: In the event any owner shall have ten (10) or more Traffic violations for which there has been a final determination of liability, the City Traffic Administrator shall issue a certified report of unpaid fines to the Illinois Secretary of State in accordance with Section 6-306.5 of the IVC. Prior to the submission of any such report, the Traffic Administrator shall send a notice by first class United States mail, postage prepaid, to the address recorded with the Illinois Secretary of State to the owner, advising his that failure to pay the fine or penalty owing within forty-five (45) days of the notice's date will result in the Traffic Administrator notifying the Secretary of State that the owner is eligible for initiation of driver's license suspension proceedings.

The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self-addressed stamped envelope to the city along with a request for the photostatic copy.

5.1.12

PETITION TO GET ASIDE A DETERMINATION OF LIABILITY: A petition to set aside a determination of parking or compliance violation liability may be filed by a person owing an unpaid fine or penalty. Such petition must be filed in writing within seven (7) days after the expiration of the time within which to pay the fine or penalty. The petition must be filed with and ruled upon by the Traffic Administrator. The grounds for the petition are limited to the following:

- A. The person not having been the owner or lessee of the cited vehicle on the date the parking violation notice was issued;
- B. the person having already paid the fine or penalty for the violation in question; and
- C. excusable failure to appear at, or request a new date for, hearing.

If the determination of parking or compliance violation liability has been set aside upon a showing of just cause, the violator shall be provided with a hearing on the merits for the violation.

6.1.13

RULES AND REGULATIONS: The City Traffic Administrator is hereby authorized and directed to establish such rules, regulations and procedures necessary to implement the provisions of this Ordinance.

6.1.14

FINES:The following schedule of fines for violation of parking Code regulations shall be in lieu of Schedule 10.2 of the City:

6.1.15

FINES FOR CERTAIN PARKING AND COMPLIANCE VIOLATIONS

For violation of any parking or compliance violation, except violation of 6.2.02(g) - Handicapped Parking, the fine shall be:

- (a) \$40.00 if paid up to or on the Due Date, following the issue date of the violation notice served on the violator.
- (b) \$80.00 if paid after the Due Date, but prior to the hearing date, as specified in the violation notice, and no request for hearing has been timely filed.
- (c) \$80.00 if paid on or after the hearing date specified in the violation notice, but prior to the expiration of fourteen (14) days after the hearing date specified in the

violation notice, if no request for hearing has been timely filed, or if a request for hearing has been timely filed, but the person filing the request fails to appear at the hearing.

- (d) \$100.00 if paid on or after the fifteenth (15th) day following the hearing date specified in the notice of violation, and no request therefor has been timely filed, or a request has been timely filed and the person filing the request fails to appear at the hearing date and no request for hearing, as specified in the second notice sent in accordance with the provisions of this ordinance, has been timely filed.

#### 6.1.16 FINE FOR HANDICAPPED PARKING VIOLATIONS

For violation of Section 6.2.02 (g) of the City Code, the fine shall be:

- (a) \$50.00 if paid up to, or on, the Due Date, following the issue date of the violation

notice served on the violator.

- (b) \$100.00 if paid after the Due Date, but prior to the hearing date as is specified in the

violation notice, and no request for a hearing has been timely filed.

- (c) \$175.00 if paid on or after the hearing date specified in, the violation notice, but

prior to the expiration of fourteen (14) days after the hearing date specified in the violation

notice, if no request for hearing has been timely filed or a request for hearing has been

timely filed, but the person filing the request for hearing fails to appear at the hearing.

6.1.16 CONTINUED:

- (d) \$250.00 if paid on or after the fifteenth (15th) day following the hearing date specified in the notice of violation, and no request therefor has been timely filed, or a request has been timely filed and the person filing the request fails to appear at the hearing date and no request for hearing, as specified in the second notice sent in accordance with the provisions of this ordinance has been timely filed.

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6.1.17 COMPLIANCE CITATIONS:

Any person, pursuant to the issuance of a compliance Citation, who is accused of a violation of certain sections of Local Ordinances of the City of Country Club Hills, Illinois, may settle and compromise that ticket by paying to the City a fee of \$20.00 and by affirming, by sworn statement, proper correction(s) or compliance of the violation has been made within ten (10) days from the date such alleged violation was committed or by paying to the City the sum of \$40.00 subsequent to said ten (10) day period and prior to thirty (30) days thereafter. Certain violations of the Illinois Vehicle Code, adopted under Chapter 6.1.01 of the Local Ordinances of the City of Country Club Hills, Illinois, shall also be subject to the issuance of Compliance citations, except for those traffic offenses where a court appearance is mandatory, pursuant to Chapter 110A, paragraph 551, of the Illinois Revised Statutes.

Compliance citations shall be issued as a courtesy, in lieu of instituting a prosecution for the alleged offense. If the person accused of the violation does not settle the claim within the prescribed time limitations, the Compliance Citation will be converted to a Complaint or a Uniform Traffic Complaint, or a Notice to Appear will be issued for that violation and that person shall be subject to the general penalties set forth in the ordinances.

A. LOCAL ORDINANCE VIOLATIONS. Compliance Citations may be issued with respect to any of the following violations regulated by the Local Ordinances of the City of Country Club Hills:

- 5.1.10 Deposits on Streets
- 5.1.11 Deposits on Sidewalks
- 6.2.04 Local Bicycle Regulations
- 7.1.01 Children on Streets at Night
- 7.1.02 Permitting Children to Violate Curfew
- 7.1.04 Truancy Prohibited
- 7.1.05 Parental Responsibility
- 7.2.12 Amplifiers

LOCAL ORDINANCE VIOLATIONS CONTINUED:

- 7.2.15 Fireworks
- 7.5.05 Specific Nuisances Prohibited
- 7.7.01 Disposal of Ice Boxes, Refrigerators and Ice chests
- 7.7.05 Weed Control
- 7.8.02 Uncovered Garbage
- 7.8.03 Wind-blown Refuse
- 7.8.04 Deposits on Streets
- 7.8.05 Consent of Owner
- 7.8.06 Disposal
- 7.8.07 Refuse Removal
- 7.8.08 Refuse Containers
- 7.8.09 Separation
- 7.8.10 Placement of Containers
- 9.1.04 Creation of a Nuisance
- 9.2.01 Licenses
- 9.2.05 Display of License Tag
- 9.2.06 Unlicensed Dog or Cat
- 9.2.07 Dogs on Leash
- 12.3.01 Health Permits
- 13.28.11 Soliciting Within a Public Highway Right of Way
- 13.30.05 Garage and Rummage Sale
- 15.11.11 Real Estate Signs
- 18.5.09 Water Conservation Measures

B. MOTOR VEHICLES AND TRAFFIC. Compliance Citations may be issued with respect to the following violations of the Illinois Revised Statutes, Chapter 95 1/2, Illinois Vehicle Code, adopted under Chapter 6 of the Local Ordinances of the City of Country Club Hills, Illinois:

- 3-112(b) Failure to transfer title within five days
- 3-401(a) No valid registration - never applied
- 3-404 No bill of lading or manifest/dispatch record 3-411(a) Failure to carry registration card or reciprocity permit - second division vehicle

MOTOR VEHICLES AND TRAFFIC CONTINUED:

- 3-413(a,b) Improper display of license plates
- 3-413(f) Operation of vehicle with expired registration plate or sticker
- 3-416 Failure to notify the Secretary of state of name/address change
- 3-701(1) No valid registration - no valid plate or sticker obtained
- 3-701(2) No valid registration - reciprocity, prorate or apportionment
- 5-201(h) No in-transit plates
- 5-202(e) Failure to display three tow-truck plates
- 11-1419.01 Failure to display Illinois Motor Fuel Tax Identification Card
- 11-1419.02 Failure to display external Illinois Motor Fuel Tax Identification device
- 11-1507(a) Operation of bicycle without lamp and reflector
- 12-101(a) Operation of vehicle with unsafe equipment
- 12-201(b) Driving vehicles without two lighted headlamps and tail lamps when required
- 12-201(c) No white rear registration light
- 12-202(a,b) Insufficient clearance, identification or side marker lamps and reflectors - second division vehicle
- 12-203(a) Failure to use parking lights while vehicle is standing on highway
- 12-204 Improper lamp or flag on projecting load
- 12-205 Improper use of lamps on towing and towed vehicles
- 12-207(a) Improper use or more than one spot lamp
- 12-207(b) Improper use of more than three auxiliary driving lamps
- 12-208(a) No stop signal lamp or device
- 12-209(c) Defective backup lights
- 12-210(a) Failure to dim headlights/auxiliary driving lamps within 500 feet on approach of vehicle

MOTOR VEHICLES AND TRAFFIC CONTINUED:

- 12-210(b) Failure to dim headlights/ auxiliary driving lamps within 300 feet of vehicle in same direction
- 12-211(a) Improper lighting on vehicles other than motorcycles - only one headlamp
- 12-211(b) Improper use of more than four lighted headlights/auxiliary driving lamps
- 12-212(a) Improper use of red light visible from front of vehicle
- 12-212(b) Improper use of red light visible from front of vehicle
- 12-215 Unlawful use of oscillating, rotating or flashing lights
- 12-301 Use of defective brakes
- 12-401 Unlawful use of metal studded tire
- 12-405(d) Use of unsafe tire
- 12-501(a) Operation of vehicle without windshield
- 12-502 Operation of vehicle without rear reflecting mirror
- 12-503(a) Obstructed view of windshield or side windows adjacent to driver
- 12-503(b) Unlawful application of tinted film to windshield or window(s) adjacent to driver - all vehicles manufactured after 12/31/81
- 12-503(c) obstructed view of any window by stationary or suspended object(s)
- 12-503(d) Operation of vehicle without windshield cleaning device; operation of vehicle with view obstructed by snow, ice or moisture
- 12-503(e) Obstructed view due to defective condition or repair of any window
- 12-601(a) Operation of vehicle with defective horn
- 12-601(b) Unlawful possession or use of siren
- 12-602 Operation of vehicle with defective or modified exhaust system

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MOTOR VEHICLES AND TRAFFIC CONTINUED:

- 12-603(b) Operation of vehicle without two front seat safety belts - vehicles of 1961 or later model years
- 12-603.1 Failure of driver/front seat occupant(s) to use seat safety belt
- 12-604(a) Operation of vehicle with television receiver visible to driver
- 12-606 Operation of tow truck without:
  - (a) Identifying sign attached on each side
  - (b) Required equipment - one broom, shovel, trash can and fire extinguisher
  - (c) Removing roadway debris and spreading dirt or sand on oil/grease deposits
  - (d) Insurance policy in cab
- 12-607(a) operation of vehicle with unlawfully altered vehicle suspension system - body lifted in excess of three inches from chassis
- 12-607.1(a) Operation of first division vehicle with frame in excess of 22 inches above ground
- 12-607.1(b) Operation of second division vehicle with frame in excess of specified limits above ground - refer to statute
- 12-608(a) Operation of vehicle with a gross vehicle weight rating (GVWR) of 9000 pounds or less or a recreational vehicle without two bumpers
- 12-608(a) Operation of vehicle with unlawful bumper height
- 12-610(a) Operation of vehicle while wearing headset receiver
- 12-702 (a) Operation of second division vehicle without carrying flares/warning devices
- 12-702(c,d,e,f,g) Failure to use flares/warning devices when second division vehicle transporting explosives

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MOTOR VEHICLES AND TRAFFIC CONTINUED:

- 12-707 Overloaded school bus, commuter van or motor vehicle used for hire
- 12-711 Operation of garbage truck, roll-off hoist or roll-on container without audible backing warning system
- 12-806 Failure to cover school bus sign
- 12-808 Operating school bus without fire extinguisher
- 12-809 operating school bus without first aid kit
- 12-810 Transporting handicapped passenger(s) without restraining device
- 13-111 Operating without certificate of valid safety test attached to windshield - second division vehicle
- 13A-104(c) Failure to display valid unexpired emission inspection sticker
- 15-105 Load projecting in any excess beyond left fenders or six inches beyond right fenders of first division vehicle
- 15-106 Failure to fasten loose projecting member
- 15-108 Failure to plank edge of pavement for any vehicle in excess of 8000 pounds
- 15-109(a) Spilling load on highway
- 15-109(b) Operating loaded vehicle without securely fastened covering
- 15-109.1 Operating second division vehicle with load falling, blowing or dropping to highway
- 15-114 Unlawful pushing of disabled vehicle
- 18C-4104(a) Operation without registration - intrastate or interstate
- 18C-4604(1) Operation without current cab card and Illinois identifier stamp
- 18C-4604(3) Use of a cab card and Illinois identifier stamp issued to another carrier
- 18C-4604(4) Failure to display or present a cab card and Illinois identifier stamp

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-1-12

MOTOR VEHICLES AND TRAFFIC CONTINUED:

- 18C-4701(1) Operating without trade name, license and registration number of carrier painted or affixed to both doors of power unit
- 603-1 Operation of unnumbered snowmobile
- 604-1 Operation of snowmobile without required:
  - (A) One white headlamp during darkness
  - (B) One rear taillight during darkness
  - (C) Brake system in good mechanical condition
  - (D) Reflective material on each side of cowling
  - (E) Adequate sound suppression equipment
- 605-1(D) Operation of snow mobile without lighted headlamp and taillight
- 1203-1 Operation of all-terrain vehicle or off-highway motorcycle without valid registration
- 1203-4(b) Operation of all-terrain vehicle or off-highway motorcycle without affixed registration decal
- 1203-4(c) Operation of all-terrain vehicle without registration certificate in possession of operator
- 1203-9 Failure to renew registration certificate
- 1204-3 Operation of all-terrain vehicle or off-highway motorcycle without safety helmet and eye protection
- 1204-6 Operation of all-terrain vehicle without headlamp and tail lamp when required
- 1204-7 Operation of all-terrain vehicle without operational service brake
- 1204-8 Operation of all-terrain vehicle without adequate muffler system
- 1203-10 Operation of all-terrain vehicle with modified exhaust system
- 11-1507(a) Operation of bicycle without lamp and reflector

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6-1-13

MOTOR VEHICLES AND TRAFFIC CONTINUED:

- 11-1507.1 Operation of motorized pedacycle without lamp and reflector
- 12-101(a) Operation of vehicle with unsafe equipment
- 12-201(a) Operation of motorcycle without lighted headlamp
- 12-201(b) Driving vehicles other than motorcycles without two lighted headlamps and tail lamps when required
- 12-201(c) No white rear registration light
- 12-202(a,b) Insufficient clearance, identification or side marker lamps and reflectors - second division vehicle
- 12-203(a) Failure to use parking lights while vehicle is standing on highway
- 12-204 Improper lamp or flag on projecting load 12-205
- Improper use of lamps on towing and towed vehicles
- 12-207(a) Improper use of more than one spot lamp
- 12-207(b) Improper use of more than three auxiliary driving lamps
- 12-208(a) No stop signal lamp or device
- 12-209(c) Defective back-up lights
- 12-210(a) Failure to dim headlights/ auxiliary driving lamps within 500 feet on approach of vehicle
- 12-210(b) Failure to dim headlights/auxiliary driving lamps within 300 feet of vehicle in same direction
- 12-211(a) Improper lighting on vehicles other than motorcycles - only one headlamp

B. PAYMENT OF SETTLEMENT. The violator has ten (10) days from the date of issuance to pay the Compliance Citation. Payment will be made by mail, personal appearance at the City Clerk's office or deposit in the city night deposit. No payments will be



PAYMENT OF SETTLEMENT CONTINUED:

accepted at the Police Department. All payments must be accompanied by the proper execution of the Proof of compliance statement. The administrative fee for all compliance citations paid within the initial ten (10) day period will be \$20.00. If the violator fails to pay and/or appear within the initial ten (10) day period, the administrative fee will increase to \$40.00.

Any compliance Citation which remains unpaid or in which the violator has not appeared within a period of thirty (30) days from the date of issuance to request conversion, may be forwarded by transmittal to the circuit court of Cook County for adjudication and/or to the office of the City Prosecutor for civil action.

A violator may appear, at the country club Hills police Department, Police Records Section, and request that the compliance citation(s) will be transmitted to the Circuit Court in accordance with existing procedure.

C. LIABILITY OF THE OWNER OF THE VEHICLE.

The fact that an automobile or motor vehicle which was illegally operated or otherwise in violation of the offenses listed in this ordinance, is registered with the Secretary of State, in the name of said alleged violator; or in the alternative, in the event that a vehicle sticker issued by the municipality has been issued in the name of said violator, shall be prima facie proof that said alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of said violation.

Section 6.1.18 Method of Payment

Payment of fines will be made by mail, personal appearance at the City Clerk's Office, or by deposit in the City's night deposit. No payments will be accepted at the Police Department.

Section 6.1.19 Liability of Owner of Vehicle

The fact that a vehicle was in violation of the offenses listed in this ordinance is registered with the Secretary of State in the name of the alleged violator; or in the alternative, in the event that a vehicle sticker issued by a municipality has been issued in the name of and to the alleged violator shall be prima facie proof that the alleged violator was in control of or was the operator of the vehicle at the time of the alleged violation.

6-1-15

ARTICLE 2

SUPPLEMENTAL PROVISIONS

6.2.01 LOCAL SPEED RESTRICTIONS:

It shall be unlawful to drive any motor vehicle on any street within the City of Country Club Hills not under the jurisdiction of the Department of Public Work and Buildings, State of Illinois, or the County of Cook, at a speed greater than posted and the following regulations shall apply:

A. In appropriate posted school zones the maximum rate of speed shall be twenty (20) miles per hour. No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

B. Engineering and traffic investigations having been conducted at various locations on the following streets, reasonable and safe maximum rates of speed for such streets are as follows and shall be in effect when appropriate signs have been posted.

NAME OF STREET

MAXIMUM SPEED LIMIT

All streets in Country Club Hills .... 20 Miles Per Hour except such streets wherein posted Speed Zones have been established by the State of Illinois or the County of Cook.

C. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and, speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

D. It shall be unlawful to drive any vehicle on any street or highway within the City under the jurisdiction of the State Department of Public Works and Buildings or of cook county, at a speed exceeding that lawfully set for such street.

11/8/82

6-2-1

6.2.02 LOCAL PARKING REGULATIONS:

A. ALL NIGHT PARKING PROHIBITED: It shall be unlawful for the operator of any vehicle to park said vehicle on any street within the City of Country Club Hills between the hours of 3:00 A.M. to 6:00 A.M., including State Highways within the jurisdiction of the City.

This ordinance shall not apply to physicians on emergency cases nor to any emergency vehicles while engaged in emergency duties, or to a disabled vehicle while temporarily and unavoidably parked; provided, however, that in no case shall a disabled vehicle remain on any street longer than a twenty four (24) hour period; and provided, further, that notice of disability of said vehicle shall be given to the Police Department.

Special permission may be granted for 3 consecutive days of overnight parking only, at the discretion of the Police Department.

B. PARKING OF LARGE VEHICLES PROHIBITED: It shall be unlawful to park any vehicle with a seating capacity of more than twelve (12) passengers, on any street, for a longer period than is necessary for the reasonably expeditious loading and unloading of such vehicle.

C. PEDDLING FROM VEHICLES PROHIBITED: It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon which merchandise is being offered to the public for sale.

D. PARKING ON NARROW THOROUGHFARES PROHIBITED: It shall be unlawful for an operator of any vehicle. to park within a public thoroughfare in such manner and under such conditions as to leave available less than eight (8') feet of the width of the roadway for the free movement of the vehicular traffic.

E. RESTRICTED PARKING ON SNOW ROUTES: It shall be unlawful to park any vehicle or to allow any vehicle to remain parked on any residential street within the City of Country Club Hills when there is two (2) or more inches of snow upon said street.

F. PARKING ON PRIVATE PROPERTY: It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

For violation of Section 6.2.02 (g) (Handicapped Parking Restriction) of the City code, the fine shall be:

a) \$100. 00 if paid up to, or on, the due date, following the issue date of the vehicular standing or parking regulation, violation, notice served upon the registered owner, operator or lessee.

b) 8150. 00 if paid after the due date, but prior to the hearing date as is specified in the notice of violation, and no request for hearing has been timely filed.

c) 8225.00 if paid on or after the hearing date specified in the notice of violation, but prior to the expiration of fourteen (14) days after the hearing date specified in the notice of violation, if no request for hearing has been timely filed or a request for hearing has been timely filed, but the person filing the request for hearing fails to appear at the hearing.

d) \$300. 00 if paid on or after the fifteenth (15) day following the hearing date specified in the notice of violation, and no request therefore has been timely filed, or a request has been timely filed and the person filing the request fails to appear at the hearing date and not request for hearing, as specified in the second notice sent in accordance with the provisions of this ordinance has been timely filed.

6.2.02 CONTINUED:

G. HANDICAPPED PARKING RESTRICTION: It shall be unlawful \_ to park any motor vehicle which is not bearing registration plates or decals issued to a handicapped person as defined by Section 1-159.1 of the IVC, pursuant to Sections 3-616, 11-1301.1, or 11-1301.2, or to a disabled veteran, pursuant to Section 3-609 of the IVC, as evidence that the vehicle is operated by or for a handicapped person or that the vehicle is operated by or for a handicapped person or disabled veteran in any parking place, including any private or public off-the-street parking facility specifically reserved by the posting of an official sign as designated under Section 11-1301 of the IVC for motor vehicles bearing such registration plates.

H. Penalties

Any vehicle can be towed if it has 5 or more citations for violation of Chapter 6 "Vehicles and Traffic" and/or 15.6.07 "Limitation of Off-Street Parking in Residential Zoning Districts" within the last 30 days. Upon issuance of the fifth (5<sup>th</sup>) citation in a 30 day period, vehicle will be towed.

6.2.03 ABANDONED AND INOPERABLE VEHICLES:

A. DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Section:

1. Abandoned Vehicle: Abandoned vehicle shall mean:
  - a. Any vehicle which is left in any place except in an enclosed garage, without current State License Plates; or
  - b. Any vehicle which remains unmoved on private or public property five (5) consecutive days or more; or
  - c. Any vehicle which remains illegally parked on a public street for five (5) consecutive days or more; or
  - d. Any vehicle left at any place for such a time and under such circumstances so as to appear to a reasonable person that the owner or lessee has voluntarily forfeited the right of possession.
2. Inoperable Vehicle: Except as provided in subsection O, "Exemptions", of this Section, an inoperable vehicle shall mean any vehicle from which, for a period of at least five (5) consecutive days, the engine, wheels, tires or other essential parts have been removed, or on

which the engine, wheels, tires or other parts have been visibly altered, damaged, or otherwise affected and/or that the vehicle is incapable of being driven under its own motor power but shall not include a vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform service repair operations, or to any vehicle which is kept within a building, when not in use, or a registered antique vehicle over twenty-five (25) years of age, or to motor vehicles on the premises of a business engaged in wrecking or repairing motor vehicles.

3. Person: Person shall mean any individual, firm, partnership, association, corporation, company or organization of any kind, except for the City of Country Club Hills.

4. Person in Control of a Vehicle: A vehicle shall be deemed under the control of a person, if that person: (a) owns, possesses or operates such vehicle; (b) if an agent of any person legally entitled to possession of the vehicle possesses or operates such vehicle; or (c) if that person owns the private property upon which the vehicle is situated.

5. Property: Property shall mean any real property, public or private, within the City which is not a street or highway.

6. Street or Highway: Street or highway shall mean the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for vehicular travel.

7. Vehicle: vehicle shall mean a machine propelled by other than human power designed to travel along the ground with wheels, treads, or slides to transport people, property or to pull machinery and shall include, without limitation, automobiles, trucks, motorcycles, tractors, buggies and wagons.

B. REMOVAL AND IMPOUNDING OF VEHICLES WHICH OBSTRUCT OR ENDANGER PUBLIC SAFETY:

The Chief of Police and members of the Police Department are hereby empowered to authorize the removal of motor vehicles, without prior notice or hearing, whenever such vehicle is parked in a manner that endangers public safety or impedes the efficient movement of traffic, including, but not limited to the following circumstances:

1. When any vehicle is left unattended on any bridge or viaduct, subway or tunnel or upon any approach thereto, when such vehicle constitutes as obstruction to traffic.

2. When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are

by reason of physical injury incapacitated to such an extent to be unable to provide for its custody or removal.

3. When any vehicle is left unattended upon any public way and is so parked to constitute a definite hazard or obstruction to the normal movement of traffic.

4. When any vehicle is parked so as to block the use of a fire hydrant or the movement of any emergency vehicle.

5. When any motor vehicle is parked on any residential street in the City when two (2) inches or more of snow has fallen on that street.

When vehicles, as set forth in subparagraphs 1 through 5, or in any other circumstance where such vehicles are parked in a manner that endangers public safety or impedes the efficient movement of traffic, the Chief of Police and members of the Police Department, by their authorized agents and/or towing service, may take possession of such vehicle and safely keep the vehicle until it is claimed by its owner or other person legally entitled to possession of such vehicle or until it is disposed of, as provided herein.

C. HEARINGS CONCERNING VEHICLES IMPOUNDED FOR OBSTRUCTING OR ENDANGERING PUBLIC SAFETY:

Whenever any vehicle is impounded for obstructing or endangering public safety by or at the request of the City through its agents or employees, a person who has a claim of ownership or possession of the vehicle and to the facility where the vehicle is stored, shall be sent a notice of such impoundment and the right to request a hearing within twenty-four (24) hours of impoundment of the vehicle, excluding weekends and holidays. The forms to request a hearing shall be sent as part of the notice. Said person may request a hearing by filing a written demand on the forms provided for such hearing with the Mayor within ten (10) days after the mailing of the notice of the impoundment of the vehicle. The conduct of the hearing and the effect of the decision of the hearing officer are set forth in subsections I and E of this Section.

D. THE LEAVING OF ABANDONED OR INOPERABLE VEHICLES IS DECLARED A PUBLIC NUISANCE:

The City finds and declares that abandoned vehicles, inoperable vehicles and unregistered vehicles, whether located upon private property or upon public property, constitute a safety hazard and a public nuisance detrimental to the health, safety and of the general public, by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards and presenting physical dangers to children and others, and by creating scenic blights which



degrade the environment and adversely affect land values and the proper maintenance and continuing development of the City.

No person shall leave an inoperable motor vehicle or an abandoned vehicle on any street or highway in the City, nor shall any person allow the placement of any inoperable vehicle or abandoned vehicle on property within the City. The placement of such abandoned vehicle or inoperable vehicle as stated is hereby declared to be a nuisance.

E. COVERING OR STORING VEHICLES:

Covering, tarping or storing an abandoned, inoperable or unregistered vehicle in an unenclosed building or structure will not remedy an abandoned, inoperable or unregistered vehicle as being declared a public nuisance. Any abandoned, inoperable or unregistered vehicle belonging to an individual who is in the process of selling the vehicle, will have thirty (30) days from the date of receiving a notice from the City as described in this Section to complete the sale thereof before the City proceeds with the remedies set forth in this Section.

F. DUTY TO REMOVE INOPERABLE OR ABANDONED VEHICLES:

Any person not exempted pursuant to subsection O, "Exemptions", herein, shall dispose of any abandoned, inoperable or unregistered vehicle owned by him/her, and, if the vehicle is located on private property, the owner or person occupying the private property shall dispose of the abandoned, inoperable or unregistered vehicle, as set forth in this Section, upon written notice received from the City commanding the disposition thereof.

G. ABANDONED OR INOPERABLE VEHICLES - NOTICE TO REMOVE:

Whenever it comes to the attention of City officials that a nuisance, as defined by this Section in regard to abandoned or inoperable vehicles, exists in the City, the Chief of Police shall give notice of the pending removal of such abandoned or inoperable vehicle to the owner or occupant of the property and the registered owner of the vehicle. The notice shall be sent at least five (5) days before the time of removal. The notice shall inform such person(s) of the existence of the nuisance and shall request the removal of the nuisance within the five (5) day period.

It shall constitute sufficient notice of such pending removal to post a copy of such notice upon the vehicle and to mail notice of such removal to the owner or occupant of the property and the registered owner of the vehicle, if he/she can be ascertained, by certified mail, return receipt requested. The notice shall advise that upon the failure to comply with the "notice to remove", the City shall undertake the removal of the vehicle and the cost of that removal shall be levied

against the owner or occupant of the property and the registered owner of the vehicle. The notice shall also include information to the appropriate persons of their right to a hearing under this Section. Such persons may request a hearing by filing a written demand on forms provided for such hearings with the Mayor within five (5) days after the mailing or posting of the notice of the removal of the vehicle.

H. REQUEST FOR A HEARING:

When persons to whom the notices are directed, specified in subsections C and G above, make a written request for a hearing before the Mayor or his/her designated agent, the hearing shall be held as soon as practical, but in any case, within seventy-two (72) hours after the filing of the request, excluding Saturdays, Sundays and holidays. The persons to whom the notices are directed shall be advised of the time and place of the hearing at least twenty-four (24) hours in advance thereof.

I. CONDUCT OF HEARING:

The hearing officer shall conduct a hearing in an informal manner and shall not be bound by the technical rules of evidence. The issue to be determined at the hearing is whether the vehicle is an inoperable or abandoned vehicle, and whether there was probable cause to impound or remove the vehicle in question. Probable cause to impound or remove the vehicle shall mean such facts that would lead a person of ordinary care and prudence to believe that there was a breach of the provisions of this Section.

The person demanding the hearing shall have the burden establishing that he/she has a right to the possession of the vehicle. The City shall have the burden of establishing that there was probable cause to impound or remove the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle the same day that the hearing is concluded. Failure of the registered owner or his/her agents to attend a scheduled hearing shall be a waiver of the right to such hearing.

J. EFFECT OF THE DECISION OF THE HEARING OFFICER:

The decision of the hearing officer is final. In the event the hearing officer determines there was no probable cause, the hearing officer shall prepare a dated certificate of no probable cause, copies of which shall be given to the owner of the vehicle and the Police Department. Upon receipt of the owner's copy of the certificate, the facility in custody of the vehicle shall release the vehicle to its registered owner without requiring that any towage or storage fees be paid by the owner. If the registered owner fails to produce such a certificate to the facility having custody of the vehicle within twenty-four (24) hours of receipt of such decision, excluding such days when the facility is not open for business, the

registered owner shall assume liability for all storage charges subsequent to the decision. Said certificate of decision shall advise the registered owner of all the requirements.

Where probable cause is found for the impounding of the vehicle under this Section, the cost of towing and impounding such vehicle shall be borne by the owner of the vehicle.

K RELEASE PRIOR TO HEARING WHERE HARDSHIP IS SHOWN:

Where the owner or other person who has claim to possession of a vehicle impounded or removed under this Section files a sworn statement with the Chief of Police that the loss of use of such vehicle will cause severe financial hardship, such vehicle may be release to the owner or other persons who have claim to possession of the vehicle upon posting cash in the amount of towage and storage fees with the City. Acceptance of such release of the vehicle shall not be deemed to be a waiver of any rights established in this Section by any person.

L. DUTIES OF THE POLICE DEPARTMENT IN REGARD TO IMPOUNDED VEHICLES:

It shall be the duty of the Chief of Police to authorize the safe keeping of any vehicle impounded or removed until such vehicle has been taken into possession by the owner or the person legally entitled to possession of such vehicle or until such vehicle is otherwise disposed of as provided in this Section. The Chief of Police shall cause to kept an accurate description of the vehicle impounded or removed, including the following information to the extent that it is reasonably available:

1. The name of the officer authorizing the tow.
2. The date and hour of the tow.
3. Location from which the vehicle was towed.
4. Location to which the vehicle was towed.
5. The reason for the towing.
6. The make, model and color of the vehicle.
7. The State License Plate number of the vehicle.
8. The vehicle identification number.
9. The general description of the condition of the vehicle.

10. The name and address of persons redeeming such vehicle.
11. The date of redemption.
12. The manner and date of disposal of the vehicle in the case that the same is not redeemed.
13. The total amount of towing and storage charges.
14. The inventory of contents of the vehicle.

Such record shall be in a form prescribed by the Chief of Police. These reports shall be kept in the office of the Chief of Police and shall be available for inspection by any interested party during all business hours of the City.

M. DISPOSITION OF UNCLAIMED VEHICLES:

Whenever any abandoned or inoperable vehicle that obstructs a public way or endangers public safety shall remain unclaimed by the owner or other persons legally entitled to possession of the vehicle for a period of thirty (30) days after notice has been given as provided in this Section, the towing service having possession of the vehicle shall cause such vehicle to be sold at public auction to the highest bidder for cash. The time and place of such sale is to be posted in a conspicuous place outside the main office of the towing service and at the office of the City Clerk of the City of Country Club Hills.

A letter shall be sent, giving notice of such sale, by certified mail, return receipt requested, to the last known address of the registered owner of that vehicle if the name of the owner can be ascertained, not less than ten (10) days prior to the sale. Said notice shall contain a description of the vehicle to be sold and the time and place of the sale. Any vehicle not sold after notice of public sale may be offered for sale and sold in any subsequent sale without further notice of publication. The proceeds of such sale shall be paid to the City Treasurer after deducting all towing and storage charges and expenses of the public sale.

Whenever the identity of the registered owner and other persons legally entitled to possession of an abandoned or inoperable vehicle which obstructs a public way or endangers public safety cannot be ascertained, the vehicle may be sold without notice. At the end of five (5) days after all efforts to identify the owner of the towed vehicle have met with negative results, a copy of a report indicating that fact shall be forwarded to the Department of Public Safety, Division of State Police, Vehicle Investigation Section.

N. INTERFERENCE WITH THE DULY AUTHORIZED REMOVAL OF A VEHICLE:

It shall be unlawful for any person to interfere with, hinder, or refuse to allow a person authorized by this Section to remove an abandoned or inoperable vehicle which obstructs traffic or endangers the public safety, or to interfere with, hinder, or refuse to allow persons authorized by this Section to enter upon any private property for the purpose of removing such a vehicle under the provisions of this Section.

O. EXEMPTIONS:

This Section shall not apply to the following:

1. A vehicle which is kept within an enclosed building when not in use;
2. An operable antique vehicle properly and currently registered with the Office of the Secretary of State;
3. A vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or on the premises of a place of business engaged in the sale of new or used automobiles; provided, however, that the latter business does not store or display inoperable vehicles;
4. A vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations for a period of not more than seven (7) days from the date the vehicle became inoperable; and
5. A vehicle, or parts of vehicles, used as commercial displays or public art, provided that: (a) such displays shall not be erected or constructed in non-residential zones; (b) they are approved and exempted in advance by the Mayor in writing; (c) such commercial displays and public art are regularly cleaned, painted, and maintained; (d) the City, through its code enforcement officer, reserves the right to revoke previously issued exemptions and approvals of any such commercial display and public art in the event they are not regularly cleaned, painted and maintained causing them to fall into disrepair. If the commercial display or public art is not regularly cleaned, painted and maintained, the code enforcement officer, or his/her designated agent, will notify the commercial display or art owner that the exemption has been revoked, and the display or public art shall henceforth be treated as any other inoperable vehicle nuisance.

6.2.04 LOCAL BICYCLE REGULATIONS:

- (a) No bicycle shall be ridden at any time in any place in such a manner as to be dangerous to any person or property.
- (b) No person riding upon any bicycle shall attach himself or his bicycle in any manner to any moving vehicle or other bicycle nor shall he hook anything on to or tow anything from his bicycle.
- (c) No more than one person shall ride upon any bicycle upon any street or sidewalk and shall only ride astride a permanent and regular seat attached thereto, with both hands on the handle bars.

(d) No bicycle shall be left lying upon any street or sidewalk or in such position as to obstruct or interfere with the use of any street or sidewalk.

(e) No person operating a bicycle shall carry any package, article or bundle which prevents the rider from keeping both hands on the handle bars or obstructs their vision.

(f) Pedestrians shall have the right of way at all times over bicycles and a person riding a bicycle upon a sidewalk or sidewalk crossing shall either turn off of the sidewalk when meeting or passing pedestrians or shall dismount until the pedestrians have passed.

(g) Persons riding bicycles upon any street or sidewalk shall not ride abreast but shall ride single file as near to the right of the roadway or sidewalk as practicable.

(h) No bicycle shall be ridden at any time on a public sidewalk in front of any place of business or in front of any public hearing.

6.2.05 DISPOSITION OF SEIZED BICYCLES:

Whenever an officer discovers a bicycle located on a highway or public way so as to create a hazard or nuisance he shall have the authority to remove it to the Police Station or any other place

designated by the City Council. Where the owner can be identified, the Police Department shall immediately give or cause to be given a notice to such owner of the fact of such removal and the reasons for removal.

The City shall have the right, however, to dispose of any bicycle impounded under this Section after thirty (30) days after such impounding at a public auction.

6.2.06            LOAD LIMITS:

.            It shall be unlawful for any vehicle exceeding three (3) tons in gross weight hauling goods, equipment or any kinds of materials, liquid or solid, used for construction purposes on an extended construction contract to enter upon improved streets within the corporate limits of the city of Country Club Hills without first having secured permission in writing from the Superintendent of Public Works. The Superintendent of Public Works shall grant no permit for such use or such uses of the streets by construction vehicles until a bond in such amount as shall be required by the City Council in each applicable case is posted with the City Clerk. Such bond shall be in such reasonable amounts as the City Council shall deem necessary to indemnify the city for damages to road surfaces and road bed as may be occasioned by the use of such vehicles over the streets traveled.

Commercial vehicles may be operated on City streets for the purpose of delivering or picking up materials or merchandise, or otherwise conducting a legitimate business within the City, and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

Vehicles weighing more than three (3) tons gross shall not pass over any curbs and sidewalks unless driven over adequate planking or similar material to protect the curbs and sidewalks from breaking, cracking or other deterioration.

Transit vehicles may be operated on city streets for the purpose of delivering or picking up passengers and are exempt from the provisions of this Section.

6.2.07            CRITERIA FOR THE CONTRACTING OF TOWING SERVICE OPERATORS

The following criteria are established for the hiring of towing service companies to perform towing operations for the City of Country Club Hills Police Department. Said criteria shall become part of and be included in any contract entered into between the Police Department and a towing service operator:

- A. The City may enter into towing contracts with up to three (3) approved towing service operators.
  
- B. Each contract shall be for a one (1) year term, unless terminated at an earlier date by the City for reasons of nonperformance or violation of the terms of this subsection or the contract entered into between the City and the towing service operator. At the end of the contract term, the contract shall be considered automatically renewed, unless either party shall notify the other party in writing, not less than sixty (60) days prior to the expiration of the current term, that the notifying party does not wish to continue for an additional term. Any contract entered into shall not be assigned or transferred by the towing service operator without the written consent of the City.
  
- C. Establishment of Maximum Towing and Storage Rates:
  - 1. The Owner of the vehicle towed shall pay fees to the towing service operator for towing and storage on police-ordered tows at rates that do not exceed the maximum rate schedule posted at the storage site and on file with the Police Department. The basic rates for such fees shall be shown on the form and on the sign concerning vehicle release requirements.
  
  - 2. Nothing in this subsection is intended to prevent a towing service operator from charging less than the established maximum rates for police-ordered tows. For particularly difficult or unusual towing jobs, such as large or serious accidents, the towing operators may charge rates above those established for normal situations. The special charges must be based upon the cost of services provided, taking into account such matters as the manhours and equipment time required for the job. A towing service operator must fully itemize in writing the details of such billing at special rates for a particularly difficult or unusual tow, and supply a copy of the itemized bill to the owner and the Police Department. Any such special rates charged must be customary in the towing industry in the area for the nature and extent of the services provided. Every towing service operator and the Police Department shall have available a copy of the complete current rate schedule and any special rate policy established by the towing service operator, for vehicle owners to view upon request.
  
  - 3. A towing service operator who proposes to change its rates for basic service and/or special rates during the term of the contract, must provide the Police Department with at least thirty (30) days written notice of the proposed rate changes. If the City determines the proposed rate changes to be inappropriate or unjustified, the City has the right to terminate the



contract upon thirty (30) days written notice to the towing service operator.

4. Notwithstanding any other City code, ordinance or statutory provisions to the contrary, any towing service operator authorized to perform tows on behalf of the City must perform its services subject to the provisions of this subsection and the contract between the City and the towing service operator. However, the towing company shall have the right to recover the reasonable value of its service for police-ordered tows from the City. Provided, however, that if a tow or charge for a tow is found by a court, having competent jurisdiction, to be illegal and the towing service operator is required to return the car the tow to the owner of the vehicle, the City shall not be liable for reimbursing the operator for the towing charges.
- D. Any towing service operator selected to perform towing operations for the City not located within the corporate limits of the City, must obtain a City business license for the term of the contract and any and all renewal terms.
- E. Towing Service Operator's Personnel:
1. The towing service operator shall assign a qualified person or persons to be in charge of its operation in the City and shall give the name or names to the Police Department. Information regarding experience of such persons shall also be provided upon request.
  2. Each employee operating a towing vehicle shall at all times carry a valid operator's license for the type of vehicle he/she is driving.
  3. The City may request that an employee violating any provision of this subsection hereof or the contract or who is negligent or discourteous in the performance of his/her duties shall not perform any police-ordered tows for the City.
  4. The towing service operator shall provide operating and safety training for all personnel operating towing vehicles.
- F. Insurance:
1. The towing service operator shall procure and maintain, for the duration of the contract, public liability and property damage insurance as shall protect the operator and the City from all claims for personal injury and property damage which may arise because of the nature of

the operations to be performed under the contract, as provided in the contract between the towing service operator and the City. The City shall be named as an additional insured on all insurance policies required under the contract. The towing service operator shall furnish the City with a certificate of insurance which shows that the towing service operator is maintaining the insurance coverage as required by the paragraph and the contract.

2. The towing service operator shall maintain workers' compensation insurance as required by the State of Illinois and within the limits set forth in the statute and employer's liability insurance with limits of \$1,000,000 per accident.
  3. Each insurance policy required under this subsection shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
  4. Insurance is to be placed with insurers with a Best's rating of no less than A-VII and licensed to do business in the State of Illinois.
- G. The towing service operator shall assume liability for all injury to or death of any person or persons including employees of the service operator, any sub-contractor, or any other person and shall assume liability for damage to property sustained by any person or persons occasioned by or in any way arising out of any work performed pursuant to the contract between the City and the towing service operator.
- H. To the fullest extent permitted by law, the towing service operator, shall hold, and save the City harmless from and indemnify the City against any and all damages, loss or liability of every kind whatsoever by reason of any injury to person or property occasioned by any act, omission, neglect or wrongdoing by the towing service operator or any of its employees or subcontractors, and at its own expense, defend and protect the City against any and all such claims or demands. Any insurance coverage provided by the towing service operator to the City shall not limit the towing service operator's obligation to indemnify the City.
- I. The towing service operator shall obtain at its own expense all permits and licenses required by federal, state, county and local law or ordinance and maintain same in full force and effect.
- J. The towing service operator shall comply with all applicable laws, rules and regulations. The towing service operator shall not act or fail to act in any manner which shall cause the City to be in violation of any applicable law, rule or regulation.

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ARTICLE 3  
TRAFFIC BUREAU

6.3.01. POLICE ADMINISTRATION:

There is hereby established a Traffic Bureau within the Police Department, to be under the control of an office of police appointed by and directly responsible to the Chief of Police.

6.3.02 DUTY OF TRAFFIC BUREAU:

It shall be the duty of the Traffic Bureau, with such aid as may be rendered by other members of the Police Department, to enforce the street traffic regulations of this City and the State vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate accidents, to cooperate with the City Safety Engineer and other officers of the City in the administration of the traffic laws, and in developing ways and means to improve traffic conditions.

6.3.03 RECORDS OF TRAFFIC VIOLATIONS:

A. The Police Department or the Traffic Bureau thereof shall keep a public record of all violations of the traffic ordinance of this City of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate and shall be maintained complete for the most recent five (5) year period.

B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year, a written public record, shall be kept available to the public showing the disposal of all such forms.

6.3.04 ACCIDENT INVESTIGATIONS:

It shall be the duty of the Traffic Bureau, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

6.3.05 TRAFFIC ACCIDENT STUDIES:

Whenever the accidents at any particular location become numerous, the Traffic Bureau shall

cooperate with the City Safety Engineer in conducting studies of such accidents and determining remedial measures. 6.3.06 TRAFFIC ACCIDENT REPORTS:

The Traffic Bureau shall maintain a system of filing traffic accident reports over the last five (5) years. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Safety Engineer.

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6.3.07 DRIVERS FILES TO BE MAINTAINED:

A. The Police Department or the Traffic Bureau thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

B. Said bureau shall study the cases of all the drivers charges with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such person suspended or revoked.

C. Such records shall accumulate and shall be maintained complete for the most recent five (5) year period.

6.3.08 ANNUAL TRAFFIC SAFETY REPORT:

The Traffic Bureau shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City as follows:

1. The number of traffic accidents, the number of persons killed, the number of person injured, and other pertinent traffic accident data.
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
3. The plans and recommendations of the bureau for future traffic safety activities.

6.3.09 EMERGENCY AND EXPERIMENTAL REGULATIONS:

A. The Chief of Police, by and with the approval of the City Safety Engineer, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this City; and, to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

B. The City Safety Engineer may test traffic-control devices under actual conditions of traffic.

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6-3-2

ARTICLE 4  
PENALTIES AND PROCEDURE ON ARREST

6.4.01 PENALTY:

Any person, firm, or corporation who violates, disobeys, commits, neglects, refuses to comply with, or resists the enforcement of any provision of this Chapter shall be subject to a penalty as prescribed' in Chapter 10 of this code. Each day a violation is permitted to exist or continue shall constitute a separate offense.

6.4.02 ARRESTS:

Any person arrested for a violation of any provisions of this ordinance shall be released upon proper bail being furnished as required by law.

6.4.03 PRIMA FACIE PROOF:

The fact that an automobile or motor vehicle which is illegally operated or parked is registered with the Secretary of State in the name of said alleged violator; or, in the alternative, in the event-that a vehicle tag issued by a municipality has been issued in the name of and to said alleged violator, shall be considered prima facie proof that said alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of such alleged violation.

6.4.04 ILLEGAL CONCESSION OF CITATIONS:

It shall be unlawful for any Person to cancel or solicit cancellation of any citation.

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ARTICLE 5  
HANDICAPPED PARKING

6.5.01 HANDICAPPED PARKING:

A. Handicapped parking privileges shall be extended to 611 handicapped persons who are disabled in any one of the following categories.

1. Non-ambulatory Disabilities: Impairments that, regardless of cause or manner as a result, for all practical purposes, confine individuals to wheelchairs.
2. Semi-ambulatory Disabilities: Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces, amputees, arthritis, spastics and those with pulmonary and cardiac illness may be semi-ambulatory.
3. Disabilities of Incoordination: Faulty coordination or paralysis from brain, spinal or peripheral nerve injury.
4. Aging: Those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination and perceptiveness but are not accounted for in the aforementioned categories.

B. Establishing Handicapped Parking Zone Restrictions:

1. It shall be unlawful for any person, except a handicapped person or a person transporting a handicapped person with limited mobility, to park a motor vehicle in any public parking lot areas, or public street posted, "NO PARKING EXCEPT HANDICAPPED PERSONS" or bearing the international symbol indicating a handicapped parking restriction.
2. The City Council may, by Ordinance, designate "NO PARKING EXCEPT HANDICAPPED PERSONS" zones, along any street or public way within the City of Country Club Hills and order the posting of proper signage to delineate the "NO PARKING EXCEPT HANDICAPPED PERSONS" area.
3. It shall be unlawful for anyone to park in a "NO PARKING EXCEPT HANDICAPPED PERSONS" area, along a street or public way in the City of Country Club Hills, after one (1) inch of snowfall.

C. Handicapped Parking Identification Card:

1. Any person desiring a Handicapped Parking Identification , Card shall complete an application form which shall be provided by the City Clerk. If convenient, a person, other than the handicapped individual may complete the application on behalf of that parson. A physician's statement of condition describing the disability must be attached to the application.

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6.5.01 Continued:

2. The Identification Card will not be issued to persons with temporary disabilities, i.e., broken legs, etc.
3. The Handicapped Parking Identification Card shall be displayed on the driver's visor, so the card is visible when the visor is in the down position.
4. There shall be no charge for the issuance of a Handicapped Parking Identification Card.

ARTICLE 6

ADMINISTRATIVE ADJUDICATION OF LOCAL CODE VIOLATIONS

6.6.01 Purpose

The stated purpose of this Article is to encourage compliance with the City Code and ordinances by providing for fair and efficient enforcement of city ordinances as set forth in this Code and as may be allowed by law and directed by ordinance through a system of administrative adjudication, and establishing a schedule of fines and penalties and authority and procedure for collection of unpaid fines and penalties. As used in this Article a "System of administrative adjudication" means the adjudication of any violation of any City code or ordinance as set forth below and as from time to time authorized by the City Council, except for any (i) proceedings not within the statutory or home rule authority of the City, (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles; and (iii) any reportable offense under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).

6.6.02 CODE HEARING DEPARTMENT

A. Creation. There is hereby established a Code Hearing Department, which shall be authorized to conduct administrative adjudication hearings for departments and agencies of the City for the enforcement of provisions of the ordinances of the City and this Code, and as from time to time authorized by the City Council, except for any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles, any reportable offense under Section 6-204 of the Illinois Vehicle Code, and offenses covered by Article 1 and 2 of

Chapter 6 of this Code unless otherwise set forth in subsection C below. No enforcement of a City Code violation against any officer or employee of the City or any officer's or employee's spouse, children or parents may be undertaken pursuant to this Article.

B. Administrative Composition. The Country Club Hills Code Hearing Department shall be composed of an Administrative Law Officer ("Hearing Officer", a Code Enforcement Administrator, a Computer Operator/System Coordinator and Hearing Room Security Personnel.

B. Code Violations: Code violations subject to administrative adjudication under this Article, include, but are not limited to the following Chapters or sections of the City Code:

7.7.05 Weed Control

Chapter 7 Article 8 – Garbage, Refuse and Ashes

Chapter 12 Local Health Regulations

Chapter 14 Building Code for the Regulation of Construction, Alteration and Remodeling of Buildings

Chapter 15 Zoning Code

Chapter 16 Stormwater and Floodplain Management

Chapter 17 Subdivision Control Regulations

Chapter 18 Combines Water and Sewer System

6.6.03 ADMINISTRATIVE LAW OFFICER

A. Generally The position of Administrative Law Officer/Hearing Officer is hereby created for the purpose of presiding over the adjudicatory hearings. The Hearing Officer shall be appointed by the Mayor with the consent of the City Council. The number of Hearing Officer positions and compensation shall be approved by the Mayor and City Council. The Hearing Officer shall be an attorney admitted to the practice of law in Illinois in accordance with State statute for at least three (3) years. The Hearing Officer may be removed from office for any violation of ethical standards after a hearing before the City Council and a three-fifths (3/5ths) majority vote of the Council members then holding office to remove.

The City Manager is hereby authorized to appoint persons to hold all other positions set forth in 6.6.02(b) above. One person may hold and fulfill the requirements of one or more of the positions. Compensation for each of these positions shall be approved by the City Council.

B. Hearing Officer:

1. Powers. The Hearing Office shall have all powers necessary to conduct fair and impartial hearings, including, but not limited to:

- (a) Holding conferences for the settlement or simplification of the issues,
- (b) Administering oaths and affirmations.
- (c) Hearing testimony and accepting evidence that is relevant to the existence of the code violation.
- (d) Issuing subpoenas
- (e) Ruling upon motions, objection and admissibility of evidence
- (f) At the request of any party of the Hearing Officer's own motion, subpoenaing the attendance of relevant witnesses and the production of relevant books, records, documents, or other information.
- (g) Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing
- (h) Regulating the course of the hearing in accordance with this Article or other applicable law
- (i) Issuing a final order, based on the evidence presented at the hearing, of whether a code violation exists. The order shall be in writing and shall include a written finding of fact, conclusions of law, and decision and order, including the fine, penalty, and/or action of which the respondent must comply.
- (j) Imposing penalties and fines, issuing orders that are consistent with applicable Code provisions and assessing costs upon a finding a party is liable for the charges violation. An order may include the suspension, revocation or nonrenewal of a business license. In no event shall a Hearing Officer have the authority to (i) impose a penalty of imprisonment; or (ii) impose a fine in excess of \$50,000, or at the option of the City, such other amount not to exceed the maximum amount established by the Mandatory Arbitration System as prescribed by the Rules of the Illinois Supreme Court from time to time for the Circuit Court of Cook County. The maximum monetary fine under this subparagraph (j) shall be exclusive of costs of enforcement or costs imposed to secure compliance with the City Code and ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the City.

\ 2. Training Program Prior to conducting administrative adjudication proceedings, the Hearing Officer(s) shall have successfully completed a formal training program which included the following:

- (a) Instruction on the rules of procedure of administrative hearings which the Hearing Officer(s) will conduct;

- (b) Orientation to each subject area of the Code violation he/she will adjudicate;
- (c) Observation of administrative hearings; and
- (d) Participation in hypothetical cases, including ruling on evidence and issuing final orders.
- (e)

C. Code Enforcement Administrator: The Code Enforcement Administrator is authorized and directed to:

1. Operate and manage the system of administrative adjudication of City Code and ordinance violations as permitted by law and directed by ordinance.
2. Adopt, distribute and process all notices as may be required under this Article or as may be reasonably required to carry out the purposes of this Article.
3. Collect monies paid as fines and/or penalties assessed after a final determination of liability.
4. Certify copies of a final determination of a Code or ordinance violation adjudicated pursuant to this Article, and any reports verifying the final determination of any violation liability which is issued in accordance with this Article.
5. Collect unpaid fines and penalties through private collection agencies and pursuit of all post-judgment remedies available under current law.

D. System Coordinator/Computer Operator The System Coordinator/Computer Operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system of the Code Hearing Department, on a day-to-day basis, including, but not limited to:

1. Input of violation notice information.
2. Establishing hearing dates and notice dates.
3. Record Fines and penalty assessments and payments.
4. Issue payment receipts.
5. Issue succeeding notice of hearing dates and/or final determination of liability.
6. Keep accurate records of appearances and non-appearances at administrative hearings, pleas entered, sanctions imposed, if any, fines and penalties assessed and paid.

E. Hearing Room Security Personnel Hearing Room Security Personnel shall be qualified off-duty, full-time, part-time or auxiliary police officers who are hereby authorized and directed to:

1. Maintain hearing room decorum
2. Have and execute authority as is granted to courtroom deputies of the circuit court
3. Perform such other duties or acts as may be reasonably required and as directed by the Hearing Officer or Code Enforcement Administrator.

#### 6.6.04 RULES AND REGULATIONS: PUBLICATION

The Code Hearing Department is hereby authorized and directed to establish such rules, regulations and procedures necessary to implement the provisions of this Article. The rules and regulations promulgated for the conduct of administrative adjudication hearings shall be published and kept on file in the office of the City Clerk, where they shall be available to the public for inspection and copying at nominal rates during normal business hours.

#### 6.6.05 INITIATION OF HEARING PROCESS: HEARING DATE

- A. Any authorized employee of the City, including, but not limited to the City Manager and his/her designated representative, the Code Enforcement Administrator and his/her duly designated representatives, police officers, ESDA members, and duly designated representatives of any authorized department of the City, may institute an administrative adjudication hearing, with the Code Hearing Department by forwarding a copy of a notice of violation of hearing, which has been properly served, to the Code Hearing Department, which shall coordinate hearing dates from the various departments.
- B. Parties shall be served with process in a manner reasonably calculated to give them actual notice, including, as appropriate, personal service of process upon a party or its employees or agents; service by mail at a party's address or notice that is posted upon the property where the Code or ordinance violation is found when the party is the owner or manager of the property.
- C. Parties shall be given notice of an adjudicatory hearing which notice will generally include the type and nature of the Code or ordinance violation to be adjudicated, the date and location of the adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and penalties for failure to appear at the hearing. The information contained in the notice shall constitute prima facie evidence of the violation cited in said notice.
- D. Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the Hearing Officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents.
- E. The Code Hearing Department shall provide for the prompt disposition of alleged infractions of the ordinances of the City or this Code and afford such other adjudication as provided by law.

When a hearing is set by the Code Hearing Department, it must be set no sooner than fifteen (15) days from the date of issuance of the notice of violation unless an emergency involving public health and safety or the general welfare of the community is involved, in which instance a hearing may be set immediately. If service is provided by mail, the 15-day period shall begin to run on the day the notice is deposited in the mail.

#### 6.6.06 VIOLATION NOTICE: SERVICE:

##### A. Violation Notice

1. The violation notice shall contain, but shall not be limited to, the following information:
  - (a) The name of the party violating the ordinance, if known.
  - (b) The date, time, and place of the violation (date of issuance)
  - (c) The particular ordinance violated
  - (d) The fine and penalty which may be assessed for late payment
  - (e) The signature and identification number, if applicable, of the person issuing the notice
  - (f) The date and location of the adjudication hearing of Code or ordinance violations, the legal authority and jurisdiction under which the hearing is to be held and the penalties for failure to appear at the hearing.
2. The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:
  - (a) Signing his/her name to the notice at the time of issuance; or
  - (b) In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the Code Enforcement Administrator, attesting to the correctness of all notices produced by the device under his/her control.
3. The original or facsimile of the violation notice shall be retained by the Code Enforcement Administrator and kept as a record in the ordinary course of business.
4. Any violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall be *prima facie* evidence of the correctness of the facts shown on the notice.

##### B. Service Service of any violation notice shall be made by the person issuing such notice by:

1. Handing the notice to the person responsible for the Code or ordinance violation.
2. Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person;



3. Mailing the notice by certified mail, return receipt requested, to the person responsible for the Code or ordinance violation; or
4. Posting the notice upon the property where the violation is found when the person is the owner or manager of the property.

#### 6.6.07 SUBPOENAS

A. Issuance: The Hearing Officer may issue a subpoena only if the Hearing Officer determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is relevant to the case and relates to a contested issue in the case.

B. Contents: A subpoena issued under this Article shall identify:

1. The person to whom it is directed;
2. The documents or other items sought by the subpoena, if any;
3. The date for the appearance of the witness and the production of the documents or other items described in the subpoena;
4. The time for the appearance of the witness and the production of the documents or other items described in the subpoena; and
5. The place for the appearance of the witness and the production of the documents or other items described in the subpoena.

C. Appearance Date In no event shall the date identified for the appearance of a witness or the production of documents or other items be less than seven (7) days after service of the subpoena.

D. Contesting Subpoena. Within three (3) business days of being served with a subpoena issued in accordance with this Article, the recipient of the subpoena may contest the order authorizing the issuance of the subpoena to the Hearing Officer, setting forth in detail the recipient's objections to the subpoena. Upon receipt of a contest to the subpoena, the Hearing Officer shall review the objections, and, upon review, enter the appropriate order.

#### 6.6.08 REPRESENTATION AT HEARINGS

A. City Representation. The case for the City may be presented by any City employee or by the City Prosecutor.

B. Respondent Representation. The case for the respondent may be presented by the respondent or an agent or attorney of the respondent at the respondent's sole cost and expense. An agent or attorney shall present a written appearance form indicating that such agent or attorney is authorized to act and to bind the respondent to any orders entered by the Hearing Officer.

#### 6.6.09 CONDUCT OF HEARINGS

A. Generally. The Hearing Officer shall conduct the hearings in an orderly manner and insist upon proper decorum by all persons present at the hearings. The intent of the hearings is to provide the City and the respondent a full and fair presentation of the issues. The burden of proof shall be on respondent to refute the *prima facie* case set forth in the verified notice of violation. All administrative hearings shall be recorded and shall culminate in a determination of liability or non-liability made by the Hearing Officer. The Hearing Officer shall, upon a determination of liability, assess fines and penalties in accordance with Sections 6.6.13 and 6.6.14 of this Article.

B. Testimony and Evidence. The strict rules of evidence, i.e., formal and technical rules, shall not apply.

1. Testimony. Hearsay testimony may be admitted and relied upon by the Hearing Officer in making a determination only if it is of a type commonly relied upon by a responsibly prudent person in the conduct of his/her affairs.

2. Evidence. Relevant documents may be received into evidence without formal proof of authenticity. The Hearing Officer shall determine the weight, if any, to be afforded documents received into evidence.

C. Transcript of Proceedings. The City shall determine the manner in which the transcript of proceedings shall occur. Either party may request that the proceedings be taken and transcribed by a certified court reporter. The cost of the reporter shall be borne by the party requesting the court reporter. The City may, at its cost, record the proceedings. If a recording is made, a respondent may obtain a transcript at the respondent's cost.

D. Continuances. All administrative adjudication hearings shall be conducted on the date set for the hearing. For good cause shown, a postponement may be granted in the discretion of the Hearing Officer. The purpose of the administrative adjudication hearing is to provide a prompt resolution of alleged Code or ordinance violation and, accordingly, the request for and the grant of continuation shall be curtailed to the extent fairness permits.

#### 6.6.10 OTICES

A. Upon failure of the person receiving a notice of a violation of the City Code or ordinance, to appear at the time and date designated for a hearing, the Code Enforcement Administrator shall

send or cause to be sent, notices by first class mail, postage prepaid, to the person who received the notice of the Code or ordinance violation. Service of notices sent in accordance with this Section and subsection 6.6.11B, shall be complete as of the date of deposit in the United States mail.

B. Notice sent upon failure of the person receiving notice of a Code or ordinance violation, shall contain, but not be limited to the following information:

1. Date and location of violation cited in the violation notice;
2. Particular Code section or ordinance violated;
3. Fine and penalty that may be assessed for late payment;
4. a section entitled; "Notice of Hearing" which shall clearly set forth that the person receiving a notice of Code or ordinance violation may appear at the administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the Notice of Hearing;
5. Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits;
6. Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of liability for the "cited" violation in the amount of the fine and penalty indicated; and
7. 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 shall constitute a debt due and owing the City.
- 8.

#### 6.6.11 ORDERS: FINAL DETERMINATION OF LIABILITY

A. Orders

1. Generally. The Hearing Officer shall issue orders, including a final order, in accordance with Section 6.6.03(b) of this Article.
2. Compliance Bond. In order to ensure that Code or ordinance violations are remedied or fines are paid in a timely manner, a Hearing Officer, upon issuing a final determination of liability, may require a respondent to post with the City a compliance bond, or as appropriate, to consent to the granting and recording of a lien against title property. Whenever it is necessary for the City to make repairs or otherwise expend funds relating to a Code or ordinance violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving

parties notice and opportunity to be heard, issue an order permitting the City to draw against the bond in an appropriate amount, or foreclose on the lien. The Hearing Officer shall order the bond or the titles property or proceeds from the titled property, less the costs incurred by the City, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of applicable fines or costs.

C. Final Determination of Liability A final determination of liability shall occur following the failure to pay the 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. Where a person fails to appear at the administrative hearing to contest the alleged violation on the date and at the time and place specified in a prior served or mailed notice pursuant to Section 6.6.10 of this Article, the Hearing Officer's determination of liability shall become final either upon a denial of a timely petition to set aside that determination or upon the expiration of the period for filing a petition without a filing having been made.

A notice of final determination of liability shall be sent following the conclusion of the administrative hearing, as set forth herein, and shall contain, but not be limited to, the following information:

1. A statement that the unpaid fine and any penalty assessed is a debt due and owing the City.
2. A statement of any sanction ordered or costs imposed which costs are debts due and owing the City.
3. A warning that failure to pay the fine and any penalty due and owing the City within the time specified may result in proceeding with collection procedures in the same manner as a judgment by any court of competent jurisdiction.

#### 6.6.12 JUDICIAL REVIEW/APPEALS

Any final decision by a Hearing Officer that a Code or ordinance violation does or does not exist shall constitute a final determination for the purposes of judicial review and shall be subject to review under the Illinois Administrative Review Act. Any party to an administrative adjudication hearing may appeal from an adverse ruling to the Circuit Court of Cook County in accordance with the Illinois Civil Procedure Act and applicable Cook County Circuit Court rules.

#### 6.6.13 ENFORCEMENT OF JUDGMENT

A. Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures

under the Illinois Administrative Review Act, are a debt due and owing the City and may be collected in accordance with applicable law.

B. After expiration of the period in which judicial review under the Illinois Administrative Review Act may be sought for a final determination of a Code or ordinance violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

C. In any case in which a respondent has failed to comply with a judgment ordering the respondent to correct a Code or ordinance violation or imposing any fine or other sanction as a result of a Code or ordinance violation, any expenses incurred by the City to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a Hearing Officer, shall be a debt due and owing the City and may be collected in accordance with applicable law. Prior to any expenses being fixed by the Hearing Officer pursuant to this subsection ©, the City shall provide notice to the respondent, as provided in Section 6.6.10, that states the respondent shall appear at a hearing before the Administrative Hearing Officer to determine whether the respondent has failed to comply with the judgment. The notice shall set the date for such as hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date the notice was deposited in the mail.

D. Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the City under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

E. The Hearing Officer may set aside any judgment entered by default and set a new hearing date upon petition being filed within twenty-one (21) days after the issuance of the order of default, if the Hearing Officer determines the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner established the City did not provide proper service of process. If any judgment is set aside pursuant to this subsection (e), the Hearing Officer shall have the authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the City as a result of the vacated default judgment.

#### 6.6.14 SCHEDULE OF FINES AND PENALTIES:

The fines and penalties which shall be imposed for a violation of a provision of the Code or an ordinance shall be set forth in Chapter 10 of the City Code and as shall be established from time to time by the Mayor and City Council.

#### 6.6.15 DISPOSITION OF FINES

All fines and other monies paid to the City in accordance with this Article shall be remitted to the City and deposited in the appropriate City account as designated by the City Manager.

#### 6.6.16 PUNISHMENT OF VIOLATION BY IMPRISONMENT

In no case may the Code Hearing Department conduct an administrative adjudication hearing for an alleged violation of the ordinances of the City of this Code where the requested remedy is a punishment of imprisonment. Nothing in the Article, however, shall preclude the City from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.

#### 6.6.17 ADMINISTRATIVE ADJUDICATION PROCEDURES NOT EXCLUSIVE:

Notwithstanding any other provisions of the Article, the authority of the Code Hearing Department to conduct administrative hearings in accordance with this Article shall not preclude the City from seeking any remedies for Code or ordinance violations through the use of any other administrative procedure or court proceeding or the validity of systems of administrative adjudication that were authorized by State law, including the City Code, and in existence prior to the effective date of this Ordinance.

#### 6.6.18 APPLICABILITY OF ADMINISTRATIVE ADJUDICATION PROCEDURES

A. Notwithstanding any other provision of the ordinances of the City of the City Code, all provisions of the City Code or ordinances, except those specified in subsection © of this Section, may be enforced by instituting an administrative adjudication hearing with the Code Hearing Department as provided in this Article.

B. Notwithstanding any other provision of the ordinances of the City or the City Code, any enforcement action, including but not limited to license or permit suspension or revocation, which may be exercised by another department of the City may also be exercised by the Code Hearing Department as provided in this Article.

C. Nothing in this Article shall affect the jurisdiction of the Liquor Commissioner, Firefighter's Pension Fund, the Police Pension Fund, the Zoning Board of Appeals, or the Board of Fire and Police Commissioners.

### **6.7.01. Automated Traffic Law Enforcement System.**

#### *(a) Detection.*

As used in the Section, "automated traffic law enforcement system" means a device within the City of Country Club Hills with one 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, 625 ILCS 5/11-306, and Sections 70.30 and 70.31 of the City of Country Club Hills Municipal Code of Ordinances. The automated traffic law enforcement system shall not be used to enforce

speed limit regulations. The recorded images produced by the automated traffic law enforcement system, which consist of either 2 or more photographs, 2 or more electronic images of a video recording showing the motor vehicle, shall capture and display images of the vehicle allegedly violating traffic-control signals, together with the license plate on such vehicle, and shall also show the time, date and location of the violation.

(b) *Signage.*

Any intersection equipped with an automated traffic law enforcement system must have a sign posted which is visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(c) Procurement.

DESCRIBE SERVICE BASED FEE STRUCTURE

(d) *Notice of Violation.*

When the automated traffic law enforcement system records a motor vehicle entering an intersection in spite of a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code, 625 ILCS 5/11-306, the Village shall issue a written notice of the violation to the registered owner or lessee of the vehicle, which shall be delivered by first class mail within 30 days after the Illinois Secretary of State notifies the City of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. Each notice of violation associated with an automated traffic law violation shall require a review of the associated recorded image by a technician employed or contracted by the City, who shall inspect the image and determine whether the motor vehicle violated Section 11-306 of the Illinois Vehicle Code, 625 ILCS 5/11-306, or whether one of the defenses enumerated below in subparagraph (f) is visibly applicable upon inspection. Upon determination that the recorded image captures a violation of one of the foregoing provisions and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for below. The Traffic Compliance Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the alleged violator. Each notice of violation, which shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall establish *prima facie* evidence of a violation, subject to rebuttal on the

basis of the defenses established in subsection (f), shall include the following:

- 1) 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;
- 2) the registration number of the motor vehicle involved in the violation;
- 3) the violation charged, with specific reference to that section of the City of Country Club Hills Municipal Code of Ordinances allegedly violated;
- 4) the location where the violation occurred;
- 5) the date and time of the violation;
- 6) a copy of the recorded images;
- 7) the amount of the civil penalty imposed under subparagraph (k) and the date by which the civil penalty should be paid if liability for the violation is not going to be contested;
- 8) a statement that the recorded images are evidence of a violation of a red light signal;
- 9) a warning that failure to either pay the civil penalty or to contest liability within 30 days of the mailing of the notice of violation by attending the administrative hearing is an admission of liability and may result in a suspension of the driving privileges of the registered owner or lessee of the vehicle in addition to the specified penalties for failing to appear at the hearing or pay the fine in advance of the hearing; and
- 10) a statement that the registered owner or lessee of the vehicle may elect to proceed either by paying the fine state in the notice of violation or by challenging the charge in an administrative hearing or, for non-residents of the Village, by mail in accordance with subparagraph (j), and that failure to pay the stated fine within the allotted time will operate to process the violation notice within the administrative adjudication system and give rise to a mandatory appearance at the administrative hearing; and
- 11) the date, time and place of the administrative hearing at which the charge may be contested on its merits, a date that shall be no less than 15 nor more than 30 days from the mailing or other service of the first notice of violation; and
- 12) the signature of the technician reviewing the recorded images and confirming that a violation took place.



(e) *Second Notice of Violation.*

If no monies have been received by the City within 15 days of sending out the first notice of violation, the City shall issue a second written notice of the violation to the registered owner or lessee of the vehicle, which shall be delivered by first class mail to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or, if the previous notice of violation to that address was returned as undeliverable, then to the last known address recorded in a United States Post Office approved database. The second notice of violation shall be identical to the previous notice, except that it shall be labeled "Second Notice of Violation." If no monies have been received within 7 days from the Second Notice of Violation a third shall be issued, except it shall be labeled "Third Notice of Violation."

(f) *Defenses.*

The following are the only defenses available for an alleged violator contesting his or her liability for a violation, which shall be weighed by the Hearing Officer and shall only rebut the prima facie case established by the notice of liability insofar as one or more of the following defenses are established by a preponderance of the evidence:

- 1) the motor vehicle or registration plates were stolen before the violation occurred and were not under the control of or in the possession of the owner at the time of the violation, which may be demonstrated through the submission of a certified copy of a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely matter;
- 2) the driver of the vehicle passed through the intersection in spite of a red light either to yield the right-of-way to an emergency vehicle or as part of a funeral procession; and
- 3) the motor vehicle was being operated by someone other than the registered vehicle owner or lessee at the time of the violation, which shall require written notification to the City and shall only be deemed a valid defense insofar as the registered vehicle owner or lessee provides the name and address of the person operating the vehicle at the time of the alleged offense. Failure to notify the City in writing of the name and address of the operator of the vehicle at the time of the alleged offense in advance of the hearing date or date on which the civil penalty is due will result in a presumption that the registered owner or lessee was the operator of the vehicle at the time of the offense and will result in a finding of liability unless one of the other defenses is applicable and duly established.

(g) *Administrative Adjudication.*

- 1) The City hereby establishes a system of administrative adjudication for a vehicular

standing and parking violations, violations regarding the display of municipal wheel tax licenses and automated traffic law violations. All such civil offenses to be adjudicated through the administrative system shall carry fines up to \$250.

2) The administrative adjudication system for all violations of the City Code subject to administrative adjudication shall be comprised of a Code Hearing Unit which shall be comprised of a Hearing Officer and any other officials deemed necessary, including a Traffic Compliance Administrator with respect to all parking, standing, condition and use of vehicle equipment, display of municipal wheel tax licenses and automated traffic law regulations. Such officers shall be vested with the power, authority and limitations as are hereinafter set forth:

i) Powers of the Hearing Officer – The Hearing Officer shall have all of the powers granted to Hearing Officers under 65 ILCS 5/1-2.1- 4, the provisions of which are incorporated herein by reference, including the power to preside over all administrative hearings as the adjudicator, administer oaths, hear testimony and accept evidence that is relevant to the existence of the Code violation, issue a subpoenas to secure the attendance of witnesses and the production of papers or documentation upon the request of the parties or their representatives, rule upon objections and the admissibility of evidence, preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing, issue a written determination, based on the evidence presented at the hearing, of whether a violation of the City Code exists. The determination shall include findings of fact, decision and order setting forth the fine, penalty or action with which the person found liable must comply, impose penalties consistent with applicable City Code provisions and assess costs upon finding a party liable for the charged violation. In no event may Hearing Officers sentence a violator to incarceration, impose a penalty of excess of \$50,000 or in excess of specified statutory or City Code limits.

ii) Powers of Traffic Compliance Administrator – The Traffic Compliance Administrator shall have all of the powers granted by 625 ILCS 5/11-208.3(b)(1), the provisions of which are incorporated herein by reference.

3) The Mayor is hereby authorized to appoint Hearing Officers, in such number as the Mayor deems necessary with the advice and consent of the City Council for a term not to exceed the current Mayor's term of office. In order to be considered appointment to the position of Hearing Officer, a candidate must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Following appointment and confirmation, but prior to conducting administrative adjunction

proceedings, Hearing Officers must successfully complete a formal training program, which includes: instructions as to the rules of administrative hearing procedures, orientation to each subject area of the City code violations that they will adjudicate, observation of administrative hearings and participation in hypothetical cases, including ruling on evidence and issuing final orders.

- 4) The Mayor, with the advice and consent of the City Council shall appoint a Traffic Compliance Administrator for a term not to exceed that of the Mayor's current term of office, who is authorized to adopt, distribute and process parking, compliance and automated traffic law violation notices, collect money paid as fines and penalties for the above noted violations, operate an administrative adjudication system and make certified reports to the Secretary of State regarding a registered vehicle owner's failure to pay fines and penalties in accordance with 625 ILCS 5/6-306.5.
- 5) Compensation for Hearing Officers, the Traffic Compliance Administrator and any other official deemed necessary to implement the system of administrative adjudication, shall be compensated as established annually by the Mayor and City Council .
- 6) The violation notices concerning parking, standing, condition and use of vehicle equipment, display of municipal wheel tax licenses and automated traffic law regulations must specify the date, time and place of the violation, the regulation being violated with a citation to the City of Country Club Hills Code of Ordinances, the fine and penalties to be assessed in the event of late payment, the vehicle make (in the case of automated traffic violations, the make of the vehicle must be specified only insofar as the make is discernible) and state registration number, and the identification number of the person issuing the violation notice. The violation notice must also state that the payment of the indicated fine and of any applicable penalty for the late payment, shall constitute a final disposition of the violation. In addition, the notice must provide a hearing date on which the violation may be contested on its merits and notify the alleged violator of his or her right to be represented by legal counsel at the administrative hearing.
- 7) Violation notices shall be served in the following manner:
  - i) Violations concerning parking, standing, condition and use of vehicle equipment, or display of municipal wheel tax licenses: violation notice must

be either affixed to vehicle or given directly to the operator of the vehicle present.

- ii) Violations of automated traffic law regulations: violation notice must be mailed to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State within 30 days after the Secretary of State notifies the City of the identity of the registered vehicle owner, but no later than 90 days after the date of the violation. If the notice of violation is returned as undeliverable, then the notice of violation must be sent to the last known address recorded in a United States Post Office approved database, which notice shall still be sent within 90 days of the violation.
- 8) In the event that the registered vehicle owner elects to contest the merits of the alleged violation in lieu of paying the civil penalty, an administrative hearing shall be held between 15 and 30 days of the mailing of the notice of violation, which date shall be provided on the notice of violation, together with a pre-hearing date on which the penalty shall be due in order to generate a final disposition and obviate the administrative adjudication process.
- 9) The hearing shall be tape recorded, and the Hearing Officer conducts the hearing in accordance with his or her powers and duties, enumerated above in subparagraph (g)(2)(i). Formal rules of evidence shall not apply to the administrative hearing.
- 10) Alleged violators who do not appear on their scheduled hearing date shall have a default judgment entered against them. Alleged violators who do appear to contest an alleged violation may be represented by legal counsel at their own expense, may present witnesses, testimony and documents, may cross-examine opposing witnesses and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents. In the case of automated traffic enforcement violations, the above-stated rights of the alleged violator are limited to the furtherance of one of the available defenses enumerated in subparagraph (f), above.
- 11) The Hearing Officer must enter either a default judgment or a determination of liability or non-liability, in accordance with consideration of the facts and testimony. The Hearing Officer shall issue a written determination, based on the evidence presented at the hearing, of whether a violation of the Municipal Code exists. The determination shall include findings of fact, a decision and

order setting forth the fine, penalty or action with which the person found liable must comply, impose penalties consistent with applicable Municipal Code provisions and assess costs upon finding a party liable for the charged violation.

In addition to the findings, decision and order, the Hearing Officer's written determination shall contain a statement that the unpaid fine and any penalty assessed is a debt due and owing the City, a date by which the violation must be brought into compliance with the Municipal Code, if applicable, a warning that the findings, decision and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction, and any expenses incurred by the City to enforce the judgment, including, but not limited to, attorney's fees, court costs and costs related to property foreclosure, shall be a debt due and owing the City and may be collected in accordance with applicable law. A notice of default judgment shall be forwarded to any person who fails to appear and shall contain the same information as a determination of liability, but shall also state that the judgment may be set aside by the Hearing Officer in the Hearing Officer's discretion if, within 10 days of issuance of the judgment, a petition is received stating good cause for the failure to appear at the hearing. The Hearing Officer, shall then provide the petitioner with notice of a new hearing date or denial of the petition. The default judgment shall also state that it constitutes a final determination of liability if such a petition is not received, if the petition is denied or, if after granting the petition and establishing a new hearing date, the petitioner fails to appear again.

12) The determination of liability issued by the Hearing Officer shall constitute a final determination for the purpose of judicial review and shall be subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101, *et seq.*

13) Upon expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a City Code violation, the findings, decision and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

14) Upon expiration of the period in which judicial review under the Administrative Review Law may be sought for a final determination of a City Code violation, a notice of final determination shall be sent to the registered owner or lessee of the cited vehicle, stating that the unpaid fine or penalty is a debt due and

owing the City. The notice of final determination shall also warn the liable party that a failure to pay any fine or penalty due and owing the City within 15 days of the issuance of the notice of final determination may result in the City's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment, or may result in suspension of the liable party's driver's license where such party has failed to pay fines or penalties for 10 or more parking violations or 5 or more automated traffic law violations.

15) Nothing contained in this Section shall prevent the City from pursuing all available remedies, allowed by law, to collect money judgments.

(h) *Notice of Impending Driver's License Suspension.*

This notice shall be sent via first class United States mail, postage prepaid, to the address recorded with the Secretary of State of any person liable for any fine or penalty due and owing the Village for 10 or more parking violations or 5 or more unpaid automated traffic law violations. If such mailing is returned as undeliverable, then the Village shall send the notice to the last known address recorded in a United States Post Office-approved database.

(j) *Procedures for Non-Residents.*

Where the registered owner or lessee of the cited vehicle is not a resident of the City but seeks to contest the merits of the alleged violation, such persons may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the Traffic Compliance Administrator no later than the hearing date referenced in the notice of liability, together with a written statement reflecting that they are non-residents of the City of Country Club Hills. The traffic compliance officer shall forward all timely-submitted materials to the Hearing Officer to review and determination.

(k) *Penalty.*

Any person violating any provision of the City of Country Club Hills Municipal Code of Ordinances or any subparts thereof shall be fined not less than \$50 or more than \$100 for each offense. Failure to pay the original fine or file a petition to set aside the final determination within 15 days of the issuance of the notice of final determination shall result in an additional \$100 penalty.

## ARTICLE 8

### SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES

#### 6.8.01 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:

- (a) *Owner of record* means the record title holder(s) of the motor vehicle.

#### 6.8.02. CONDUCT PROHIBITED.

A motor vehicle operated with the permission, express or implied, of the owner of record, that is used in connection with any of the following violations shall be subject to seizure and impoundment by the City. The owner of record of said vehicle shall be liable to the City for an administrative penalty of \$500.00 in addition to any towing and storage fees, and other fees deemed applicable.

- (a) Any motor vehicle which is used by a person during the aiding or abetting or commission of a misdemeanor, felony or forcible felony as those terms are defined in the Illinois Criminal Code, 720 ILCS 5/2-7, 2-8 and 2-11.
- (b) Any motor that is used in the commission of prostitution as defined in the Illinois Criminal Code, 720 ILCS 5/11 *et seq.*, solicitation of a prostitute or a sexual act as defined in said Code, pimping or juvenile pimping as defined in said Code, or exploitation of a child as defined in said Code.
- (c) Any motor vehicle used in connection with the unlawful possession and transportation of explosives or explosive or incendiary devices in violation of 720 ILCS 5/20-2.
- (d) Any motor vehicle used in the unlawful use of weapons in violation of 720 ILCS 5/24-1, *et seq.*, ("Deadly Weapon") of the Illinois Criminal Code, or that contains a firearm or ammunition for which a Firearms Owner's Identification Card is required under the Illinois Owners Identification Card Act, 430 ILCS 65/0.01, *et seq.*
- (e) Any motor vehicle that contains any cannabis or controlled substance, as defined in the Illinois Cannabis Control Act, 720 ILCS 550/1, *et seq.*, and the Illinois Controlled Substances Act, 720 ILCS 570/100, *et seq.*, or that is used in the possession, delivery,

trafficking, purchase, attempt to purchase, sale or attempt to sell such cannabis or controlled substances in violation of said Acts.

(f) Any motor vehicle used in the sale or delivery of drug paraphernalia or the unlawful possession of drug paraphernalia in violation of the Drug Paraphernalia Control Act, 720 ILCS 600/1, *et seq.*

(g) Any motor vehicle which is operated by a person who does not hold a valid Illinois driver's license or permit or a restricted driver's permit in violation of 625 ILCS 5/6-101(a), of the Illinois Vehicle Code; except said violation does not include instances where a driver's license was validly issued to the vehicle operator but has been expired for a period of less than one (1) year.

(h) Any motor vehicle which is operated by a person driving while his/her driver's license, permit or privilege to operate a motor vehicle is suspended or revoked in violation of 625 ILCS 5/6-303 of the Illinois Vehicle Code or Section 6.1.11 of the City of Country Club Hills' Municipal Code. For the purposes of this Section, the terms "revoked: or "suspended," when used in the context of driving privileges or diver licenses, shall have the same meaning as contained in the Illinois Vehicle Code, 625 ILCS 5/6-100, *et seq.*

(1) Any person who is in violation of 7-601 of the Illinois Vehicle Code, 627 ILCS 5/7-601, relating to mandatory insurance requirements, in addition to being in violation of 6-303 of the Illinois Vehicle Code or Section 6.1.11 of the City Code, shall have is/her motor vehicle immediately impounded.

(i) Any motor vehicle which is operated by a person while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, in violation of 625 ILCS 5/11-501(a) of the Illinois Vehicle Code.

(2) The maximum amount of time allowed for the impoundment of such vehicle under this subsection is 12 hours after the time of arrest of the driver of the vehicle pursuant to section 4-203(e) of the Illinois Vehicle Code, 625 ILCS 5/4-203(e).

(j) Any motor vehicle which is operated by a person driving against whom a warrant has been issued by a Circuit Court in Illinois for failing to answer charges that the driver violated subsections 6.8.02(h) or 6.8.02(i) above.

(k) Any motor vehicle which is operated by a person when such vehicle's registration is cancelled, suspended or revoked in violation of 625 ILCS 5/3-702 of the Illinois Vehicle Code.

(l) Any motor vehicle which is operated by a person when such vehicle is being operated with a false, fraudulent, stolen or altered registration in violation of 625 ILCS 5/3-703 of the Illinois Vehicle Code.



(m) Any motor vehicle which is operated by a person when such vehicle's registration is suspended for noninsurance in violation of 625 ILCS 5/3-708 of the Illinois Vehicle Code.

(n) Any motor vehicle which is operated by a person who presents or displays a false insurance card to a law enforcement officer, court, or officer of the court in violation of 625 ILCS 5/3-710 of the Illinois Vehicle Code.

(o) Any motor vehicle that has any alcoholic beverage which is not in its original container and/or has its seal broken in the passenger area of the vehicle in violation of 625 ILCS 5/11-502 of the Motor Vehicle Code.

(p) Any motor vehicle which contains a device which is generating sound clearly audible to a person with normal hearing at a distance greater than seventy-five feet (75') in violation of 625 ILCS 5/12-611 of the Motor Vehicle Code and Section 7.5.07 of the Municipal Code of the City of Country Club Hills.

#### 6.8.03 EXCEPTIONS.

This Article shall not apply to:

(a) A vehicle used in any of the violations set forth in Section 6.8.02 of this Article was stolen at the time and the theft was reported to the appropriate law enforcement authorities within twenty-four (24) hours after the theft was discovered or reasonably should have been discovered;

(b) If the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or

(c) With respect to subsections 6.8.02(d), (e) or (f) of this Article, the owner proves the item(s) found is not unlawful.

#### 6.8.04 CONFLICT OF LAW.

This Article shall not replace or otherwise abrogate any existing federal or state laws or City ordinances or codes pertaining to vehicle seizure and impoundment. The penalties imposed pursuant to this Article shall be in addition to any penalties that may be assessed by a court for any criminal charges in connection to said violation.

#### 6.8.05 SEIZURE AND IMPOUNDMENT.

Whenever the Country Club Hills Police Department or one of its sworn personnel (collectively referred to as the "police department"), has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Article, the police department shall provide for the towing of the vehicle to a facility controlled or authorized by the City. Before or at the time the vehicle is towed, the police department shall notify any person identifying him/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 fact the seizure, the alleged violation and the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this Article.

The police department may issue rules and regulations related to this Section for enforcement procedures and proper forms necessary for the administration of this Section.

#### 6.8.06 VEHICLE IMPOUNDMENT HEARINGS.

All vehicle impoundment hearings held pursuant to this Section shall be conducted by a hearing officer appointed under the provisions of Section 6.1.09 of the City Code.

(a) Preliminary Hearing. Whenever the owner of record of a vehicle seized pursuant to this Article makes a request in person and in writing for a vehicle impoundment hearing within twelve (12) hours after the seizure, a hearing officer for the City of Country Club Hills shall conduct such preliminary hearing within twenty-four (24) hours after receipt of the written request, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing. Hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the hearing officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Article, the hearing officer shall order the continued impoundment of the vehicle as provided in this Article, unless the owner of the vehicle posts a cash bond in the amount of \$500.00 with the City and pays the towing company any applicable towing and storage fees. If the hearing officer determines there is no such probable cause, the vehicle will be returned to the owner of record of the vehicle without penalty or other fees.

(b) Administrative Hearing. Unless a hearing has been held pursuant to subsection 6.8.06(a) of this Article, within ten (10) business days after a vehicle has been seized and impounded pursuant to this Article, the City shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of the scheduled hearing that will be conducted pursuant to this subsection. The name and address of the person to whom a vehicle is registered as shown on the records of the state in which the vehicle is registered shall be conclusive evidence of the name and address of the owner of record of the vehicle, unless the owner of record has given the City actual written notice of a different name and/or address. The hearing shall be scheduled, unless continued by order of the hearing officer, no later than thirty (30) days after the vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. Any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence to not apply at the hearing. Hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used in connection with a violation set forth in this Article,

the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the City for an administrative penalty in an amount not to exceed five hundred dollars (\$500.00). The vehicle shall remain impounded until the owner pays the administrative penalty to the City and pays the towing company any applicable towing and storage fees. If the owner of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the City, requiring the payment to the City of an administrative penalty in the amount of \$500.00. If the hearing officer finds that no such violation has occurred, the hearing officer shall order the return of the owner's vehicle along with the previously paid cash bond and any additional fees.

(c) Driving While Intoxicated; Standard of Evidence. A sworn report of a police officer prepared in conformity with Section 11.501.1 of the Illinois Vehicle Code, 625 ILCS 5/11.501.1, establishing that a person refused testing or has submitted to a test that discloses a blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, controlled substance listed in the Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, shall constitute *prima facie* evidence under this Article sufficient to establish a finding of the vehicle owner's liability under this Article. The presumption may be rebutted by clear and convincing evidence.

#### 6.8.07 ADMINISTRATIVE PENALTY.

(a) If the administrative penalty is imposed pursuant to this Article, such penalty shall constitute a debt due and owing the City. When the cash bond has been posted pursuant to this Article, the bond shall be applied to the total penalty assessed at the hearing. If a vehicle has been impounded when such penalty is imposed, the City may seek to obtain a judgment on the debt and enforce such judgment against the vehicle as provided by law. Except as otherwise provided in this Article, a vehicle shall continue to be impounded until: (1) the penalty is paid to the City, and any towing and storage fees are paid to the towing company, in which case the possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or (2) the vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

(b) If the administrative penalty and applicable fees are not paid within thirty (30) days after an administrative penalty is imposed under this Article against the owner of record who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable fees are not paid within thirty (30) days after the expiration of time during which administrative review of the hearing officer's determination may be sought, or within thirty (30) days after an action seeking administrative review has been resolved in favor of the City, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for the disposition of unclaimed vehicles under Section 4-208 of the Illinois Vehicle Code, 625 ILCS 5/4-208; provided, however, where proceedings have been instituted under state or federal drug asset forfeiture laws, the vehicle may not be disposed of by the City except in a

manner consistent with the disposition of vehicles that is provided for in those proceedings.

6.8.08 VEHICLE POSSESSION.

Except as otherwise specifically provided by law, no owner, lienholder or other person shall be legally entitled to take possession of as vehicle impounded under this Article until the civil penalty and applicable fees under this Article have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he/she agrees in writing to refund the City the amount of the net proceeds of any foreclosure sale, less any amounts required to pay lienholders of record, not to exceed \$500.00 plus applicable fees.