CHAPTER 15

MISCELLANEOUS REGULATIONS

ARTICLE 6. FAIR HOUSING

SECTION

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15-6-1: DEFINITIONS: Whenever used in this Article, unless otherwise defined herein:

"Age" means chronological age of not less than 40 years.

"Disability" means (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (2) a record of such an impairment; or (3) being regarded as having such impairment. Excluded from this definition is an impairment relating to the illegal use, possession or distribution of "controlled substances" as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. 812).

"Gender identity" means the actual or perceived appearance, expression, identity, or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.

"Housing status" means the type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

"Martial status" means the status of being single, married, divorced, separated, or widowed.

"Military discharge status" means the fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia other than by a "dishonorable discharge".

"National origin" means the place in which an individual or one of his or her ancestors was born.

"Parental status" means the status of living with one or more dependent minors or disabled children.

"Person" means one or more individuals; partnerships, associations, or organizations; labor organizations, labor unions, joint apprenticeship committees, or representatives, trusts, trustees in bankruptcy, or receivers; state governments other than that of Illinois; or commercial operations or entities controlled by governments other than those of Illinois, or of the United States.

"Public accommodation" means a person, place, business establishment, or agency that sells, leases, provides, or offers any product, facility, or service to the general public in the Village, regardless of ownership or operation (1) by a public body or agency; (2) for or without regard to profit; or (3) for a fee or not for a fee. "Public accommodation" also means an institution, club, association, or other place of accommodation in the Village, whether or not open to the general public, that has more than 400 members and provides regular meal service and regularly receives payment for dues, fees, accommodations, facilities, or services from or on behalf of nonmembers for the furtherance of trade or business. "Public accommodation" also means any products, facilities, or services of a nonpublic accommodation that are made available in the Village to the general public or to the customers or patrons of another establishment that is a public accommodation.

"Religion" means all aspects of religious observance and practice, as well as belief, or the actual identification with or perceived identification with a religion.

"Sexual orientation" means the status or expression, whether actual or perceived, of heterosexuality, homosexuality, or bisexuality.

"Source of income" means the lawful manner by which an individual supports himself or herself and his or her dependents.

"Unlawful discrimination" means discrimination against a person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, martial status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

15-6-2: PUBLIC ACCOMMODATIONS:

(a) *"Prohibition"*: No person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in the Village shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.

(b) Exceptions:

(1) The prohibition contained in this section shall not apply to sex discrimination in any of the following:

a. Distinctly Private Facility. Any facility that is distinctly private in nature, such as rest rooms, shower rooms, bath houses, dressing rooms, or health clubs.

b. Sleeping Rooms. Any facility that restricts rental of residential or sleeping rooms to individuals of one sex.

c. Educational Institutions. Any educational institution that restricts enrollment of students to individuals of one sex.

d. For the purposes of the above exceptions, the determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

(2) The Fair Housing Review Board may adopt rules specifying any additional exceptions to the prohibition contained in this section based on bona fide considerations of public policy.

(3) Notwithstanding anything to the contrary contained in this Article, nothing contained in this section shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C. 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such place of accommodation.

(c) Sexual Harassment: No person who is, owns, leases, rents, operates, manages, or in any manner controls a public accommodation shall engage in sexual harassment affecting access to, participation in, or the full use of such public accommodation. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's access to, participation in, or full use of a public accommodation; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's access to, participation in, or full use of a public accommodation; or (3) such conduct has the purpose or effect of substantially interfering with an individual's access to, participation in, or full use of any public accommodation or creating an intimidating, hostile, or offensive environment with respect thereto.

15-6-3: HOUSING:

(a) *Definitions*: Whenever used in this section:

(1) "Person" shall mean any person that is also an owner, lessor, sublessor, assignor, managing agent, or other individual, firm, or corporation, having the right to sell, rent, lease, or sublease any housing unit within the Village, or any agent, broker, or other individual working on behalf of any such individual, firm, or corporation.

(2) "Real estate transaction" means the sale, exchange, rental, occupancy, lease, sublease, or lease renewal of real property for residential purposes in the Village or the provision of services or utilities in connection with such sale, exchange, rental, occupancy, lease, sublease, or lease renewal. "Real estate transaction" also means with respect to activity conducted or property located in the Village, the brokering or appraising of residential real property in the Village and the making, purchasing, or guaranteeing of loans or mortgages or providing any other financial assistance either (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling or (b) secured by residential real property.

(b) *Prohibitions:*

(1) Terms and Conditions. No person shall make any distinction, discrimination, or restriction in the price, terms, conditions, or privileges of any real estate transaction, including the decision to engage in or renew any real estate transaction, on the basis of unlawful discrimination.

(2) Discriminatory Communications. No person shall publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to a real estate transaction which will indicate or express any unlawful limitation or discrimination on the basis of unlawful discrimination.

(3) Listings. No person shall deliberately and knowingly refuse examination of any listing of residential real property within the Village to any individual because of unlawful discrimination.

(4) Representations: No person shall deliberately and knowingly represent to an individual that residential real property is not available for inspection, sale, rental, or lease in the Village when in fact it is available, or fail to bring a residential real estate listing in the Village to an individual's attention, or refuse to permit a person to inspect residential real property in the Village because of unlawful discrimination.

(5) Blockbusting. No person shall solicit, for sale, lease, or listing for sale or lease, residential real property within the Village on the grounds of loss of value due to the present or prospective entry into any neighborhood of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, martial status, parental status, military discharge status, source of income, gender identity, or housing status.

(6) Encouragement of Blockbusting: No person shall distribute or cause to be distributed written material or statements designed to induce any owner of residential real property in the Village to sell or lease his, her, or its property because of any prospective change in the race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, martial status, parental status, military discharge status, source of income, gender identity, or housing status of individuals in the neighborhood.

(7) Creating Alarm. No person shall intentionally create alarm among residents of any community within the Village by transmitting communication in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any person within the Village to sell or lease his or her residential real property within the Village because of the present or prospective entry into the vicinity of the property of any individual or individuals of any particular race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, martial status, parental status, military discharge status, source of income, gender identity, or housing status.

(c) *Exceptions:* The prohibitions in this section shall not apply to any of the following:

(1) Age. Restricting rental or sale of a housing accommodation to an individual of a certain age group (a) when such housing accommodation is authorized, approved, financed, or subsidized in whole or in part for the benefit of that age group by a unit of state, local, or federal government; or (b) when the duly recorded initial declaration of a condominium or community association limits such housing accommodations to individuals 50 years of age or older, provided that an individual or members of the household of an individual owning or renting a unit in such housing accommodation prior to the recording of the initial declaration shall not be deemed to be in violation of the age restriction as long as the individual or household member continues to own or reside in the housing accommodation.

(2) Religion. Limitation by a religious organization, association, or society, or any not-for-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, of the sale, rental, or occupancy of a dwelling which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.

(3) Single Sex. Restricting the rental of rooms in a housing accommodation to individuals of one sex. The determination of an individual's sex or gender shall be based upon the sex or gender of that individual as reflected on any official identification of that individual recognized by the State of Illinois, including a driver's license or state identification card.

(4) Private Rooms: Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

(5) Notwithstanding anything to the contrary contained in this Article, nothing contained in this section shall require any person who does not participate in the federal Section 8 housing assistance program (42 U.S.C. 1437f) to accept any subsidy, payment assistance, voucher, or contribution under or in connection with such program or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part of the rent for such housing accommodation.

d) *Sexual Harassment*: No person shall engage in sexual harassment in any real estate transaction. "Sexual harassment" means any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when (1) submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction; or (2) submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or (3) such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile, or offensive environment with respect thereto.

15-6-23: CREATION OF A FAIR HOUSING REVIEW BOARD: There is hereby created a Fair Housing Review Board, consisting of five (5) members, who shall be residents of the Village of Bridgeview and who shall each serve for a term of three (3) years. No person shall simultaneously serve as a member of the Fair Housing Review Board and of the Board of Trustees of the municipality. Each member shall be appointed by the Village President with the advice and consent of the Trustees. The Chairman and Co-Chairman shall be elected annually by a majority of the Fair Housing Review Board. The terms of office for the initial appointments shall be as follows: three (3) members for three (3) years and two (2) members for two (2) years.

15-6-24: DUTIES OF A FAIR HOUSING REVIEW BOARD: The adjudicative responsibilities for this Article shall be in the Fair Housing Review Board. The Fair Housing Review Board shall have and execute with respect to all dwellings and persons subject to this Article the power:

a. to hold hearings on, and making findings of fact with respect to any such complaint;

b. to administer oaths, take sworn testimony, and to subpoena witnesses and pertinent documents, which power may be enforced by proper petition to any court of competent jurisdiction;

c. to recommend the issuance of orders subject to approval by the President and Trustees, and to publish its findings of fact and recommendation orders in accordance with the provisions of this Article after submission to the President and Trustees;

d. to render from time to time, but not less often than every twelve (12) months, a written report to municipal officials of its activities and recommendations with respect to fair housing practices, which written report shall be made public after submission to the President and Trustees; and

e. to adopt, after approval of the President and Trustees, such rules and regulations as may be necessary and desirable to carry out the purpose of this Article.

15-6-25: ADMINISTRATOR: The Fair Housing Review Board (Review Board), with the advice of the President and Trustees, shall appoint an Administrator. The Administrator shall have such duties, responsibilities, and powers as are necessary for the implementation of this Article and additionally as may be provided by the Review Board or President and Trustees, including the initiation, receipt, and due processing of complaints.

15-6-26: CHARGE: Any person aggrieved in any manner by a violation of any provision of this Article may file with the Review Board a written verified complaint setting forth his/her grievance within one hundred eighty (180) days after the date of the alleged violation. The complaint shall state, on a printed form provided by the Review Board, such detail as to substantially apprise any party, properly concerned as to the time, place, and facts surrounding the alleged violation of this Article.

15-6-27: NOTICE: Within fifteen (15) calendar days after a charge has been received or initiated by the Review Board, the Chairman of the Review Board shall serve or cause to be served, in person, or by certified mail, a copy of said complaint on the person alleged to be in violation of this Article, hereinafter referred to as respondent.

15-6-28: INVESTIGATION: The Chairman of the Review Board shall order a prompt investigation of the complaint.

15-6-29: REPORT: Within thirty (30) calendar days after a charge has been received or initiated by the Review Board, the Chairman shall determine whether:

a. the alleged complaint does not constitute a violation of this Article and dismiss the complaint notifying the parties and advising the complainant of his/her right to appeal to the Review Board; and

b. the alleged complaint does not constitute a violation of this article, in which case the chairman will proceed with process of Section 15-6-30.

15-6-30: CONCILIATION: When a conciliation conference is determined necessary, the Chairman shall:

a. notify the complainant and respondent of the time, place, and date of the conciliation session at least ten (10) days prior thereto, and either or both parties shall appear at the conciliation session in person or by attorney; and

b. attempt by all accepted methods of conciliation and lawful persuasion to resolve the grievance delineated in the complaint; and

c. if, within sixty (60) calendar days after a charge has been received or initiated by the review Board, the Chairman determines that attempts at conciliation would not be in furtherance of the objectives of this Article, or that the complaint cannot be resolved by conciliation, the Chairman shall so report to the Review Board. The Review Board shall, within thirty (30) calendar days of referral, refer the complaint to the adjudicative agency for a hearing.

15-6-31: INJUNCTIVE (TEMPORARY RELIEF): At any time after a complaint is filed and determined to constitute a violation of this Article, the Review Board may petition the appropriate court for temporary relief, pending final determination of the proceedings under this Article, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual a recommendation with respect to the complaint. Such petition shall contain a certification by the Review Board that the particular matter presents exceptional circumstances in which irreparable injury will result from a violation of this Article in the absence of temporary relief. The petition shall not exceed a five (5) day period unless:

a. a longer period is agreed to by the respondent; or

b. the court finds that there is substantial evidence to demonstrate that the respondent has engaged in violations of this Article.

15-6-32: HEARINGS ON COMPLAINT: Within thirty (30) calendar days after Review Board referral, the President and Board of Trustees (Village Board) shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. All parties shall be entitled to be represented by legal counsel, and shall have the right to call witnesses in their own behalf and to cross-examine witnesses. All parties to the proceedings may apply to the Village Board to have subpoenas issued in the name of the Village Board. Testimony taken at the hearing shall be under oath or affirmation, and a transcript shall be made and filed in the Office of the Administrator. No fewer than three (3) of the same members of the Village Board must be present at all times. Only those members who have attended all hearings on a matter shall participate in the determination of the complaint.

15-6-33: HEARING DECISIONS: When all testimony has been taken, the Village Board shall render its decision in a written report with findings of fact that shall be served upon the complainant and the respondent by certified mail within fifteen (15) calendar days following the closing of the hearing.

15-6-34: RECOMMENDED ACTIONS:

a. If the Village Board finds that the respondent has not engaged in any violation of this Article, it shall dismiss the complaint.

b. If the Village Board finds that the respondent has engaged in a violation of this Article, it shall:

1. institute proceedings to enforce the provisions of this Article against any person found in violation;

2. apply to any court of competent jurisdiction for:

   i. an order restraining any person from violating any provision of this Article; or

   ii. such other or further relief as may seem to the court appropriate for the enforcement of this Article and the elimination of violations hereof, including, but not limited to, actual damages and/or attorneys' fees/costs for award to the complainant;

3. petition or institute proceedings with the Department of Professional Registration for the purpose of causing the Department to revoke, suspend, or refuse to renew the license granted by such Department to any person found to have violated any provision of this Article;

4. in the case of any violation of this Article by any person in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or in condition of compliance with the provisions of this Article.

15-6-35: APPEAL PROCEDURES: Any person aggrieved by the decision of the Village Board shall have the right to appeal in accordance with the following procedure:

Reconsideration by the full Village Board. This appeal shall be initiated by filing with the Administrator, within seven (7) calendar days of the decision, a written statement, under oath, setting forth specifically the grounds for reconsideration. these grounds shall be supported by argument and served on all parties at the time they are filed with the Administrator. The Village Board, after reviewing the statement shall:

1. render a revised decision notifying all parties within fourteen (14) calendar days of the filing of the statement for initial reconsideration; or

2. issue and serve on all parties a written order for rehearing the case, citing the cause and additional evidence; or

3. uphold the decision.

15-6-36: JUDICIAL RELIEF: Any person aggrieved by the violation of any provision of this Article, who has exhausted the remedies provided by this Article, may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

a. an order compelling compliance with this Article;

b. compensatory/punitive damages; or

c. such other and further relief as may seem appropriate to the court for the enforcement of this Article and the elimination of violations thereof.

15-6-37: PENALTY: Any person violating any provision of this Article shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each violation.

CHAPTER 15

MISCELLANEOUS REGULATIONS

ARTICLE 7. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF TRAFFIC REGULATIONS CONCERNING THE STANDING, PARKING OR CONDITION OF VEHICLES

SECTION

15-7-1: Purpose
15-7-2: Administrative Composition
15-7-3: Procedures
15-7-4: Administrative Hearings
15-7-5: Additional Notices
15-7-6 Administrative Review
15-7-7 Final Determination of Liability
15-7-8 Non-Appearance Procedures
15-7-9 Scheduling of Fines/Penalties
15-7-10 Judicial Review
15-7-11 Debt to Municipality
15-7-12 Judgments

15-7-1: PURPOSE: The purpose of this Article is to provide a fair and efficient method of enforcement of Village vehicular standing, parking, equipment and vehicle sticker regulation violations, and other Village regulation violations as may be allowed by law, through an administrative adjudication of said violations, and to provide a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties. The provisions of this Article may be used in lieu of issuing a citation that requires an appearance in the Fifth Municipal District Court on one of the Village's Traffic and Ordinance Court dates. Notwithstanding any other provision in this Code, the fine schedule set out in this Article shall apply as the penalty for all violations covered by the administrative adjudication system and no amount greater than that set out herein shall be applied as a fine for any violation hereunder. Pursuant to 625 ILCS 5/11-208.3(a), the provisions of this Article shall apply to the following violations:

A. Vehicular standing and parking violations, including the failure to purchase or display a vehicle sticker; and

B. Violations of any Village Code or Ordinance governing the condition or use of equipment on a vehicle.

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

15-7-2: ADMINISTRATIVE COMPOSITION: The system of administrative adjudication of vehicular regulation violations shall be composed of a Traffic Compliance Administrator, Hearing Officer, Computer Operator/System Coordinator and Hearing Room Personnel (Deputy), with the power, authority and limitations as are hereinafter set forth:

A. Traffic Compliance Administrator Duties – He/She shall be empowered and is hereby authorized and directed to:

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

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

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

4. Conduct hearings, as a Hearing Officer with the same power and authority as is hereinafter set forth, during the absence of the appointed Hearing Officer.

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

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

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

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

9. Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.

10. Collect unpaid fines and penalties by filing complaints in the Circuit Court, or by selecting or appointing an individual or agency to act on behalf of the Village in filing complaints, seeking judgments for unpaid fines or penalties and pursue all post-judgment remedies available by current law

B. Hearing Officer Duties – He/She shall be empowered and is hereby authorized and directed to:

1. Preside over the administrative hearing, established herein, as the adjudicator.

2. Administer oaths.

3. Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documents.

4. Assess fines and penalties for the violation of vehicular regulations as are established in Section 15-7-9 hereof.

5. Make final determinations of:

    a. Vehicular regulation violation liability.

    b. Validity of notices of impending drivers license suspension.

6. Provide for the accurate recordation of the administrative adjudication hearings.

7. Issue certified notices to the Chief of Police regarding the immobilization of vehicles whose owners have received ten (10) or more final determinations of liability which remain unpaid.

C. System Coordinator Duties – He/She is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system hereby created, on a day to day basis, including but not limited to:

1. Input of violation notice information.

2. Input of hearing dates and notice dates.

3. Input of fine and penalty assessments and payments.

4. Issue payment receipts.

5. Issue succeeding notices of hearing dates and/or final determinations of liability or notices of impending drivers license suspensions, as directed by the Traffic Compliance Administrator in accordance with the provisions hereinafter set forth.

6. Issue certified notices to the Secretary of State and Chief of Police regarding persons who have received ten (10) or more final determinations of liability which remain unpaid.

7. Keep accurate records of appearances and non-appearances at administrative hearings, pleas entered, fines and penalties assessed and paid.

D. Hearing Room Personnel Duties – He/She is hereby authorized and directed to:

1. Maintain hearing room decorum.

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

3. Perform such other duties or acts as may reasonably be required and as directed by the Hearing Office or Traffic Compliance Administrator.

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

E. Appointments – The Mayor shall assign the duties of Traffic Compliance Administrator, System Coordinator and Hearing Room Personnel to Village employees. The Mayor, with the advice and consent of the Board of Trustees, is hereby authorized to appoint a person to hold the position of Hearing Officer.

F. Compensation, if any, to be paid for each of the above stated positions shall be as determined by the Mayor and Board of Trustees in the annual Budget Ordinance.

G. Notwithstanding the foregoing, the Village of Bridgeview is hereby authorized to enter into an intergovernmental agreement to establish and implement the procedures provided for in this Article. Moreover, said intergovernmental agreement is authorized to provide that the positions and offices provided for herein may be selected and filled by the cooperating municipality.

15-7-3: PROCEDURES: The system of administrative adjudication of vehicular regulation violations shall be in accordance with the following procedures:

A. Violation Notice – vehicular regulation violation notices shall be issued by the persons authorized herein and shall contain information and shall be served, certified and have

evidentiary admissibility as is hereinafter set forth.

B. Authorization – All full-time, part-time and auxiliary police officers as well as other specifically appointed individuals shall have the authority to issue vehicular regulation violation notices.

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

D. The vehicular regulation "Hang-On-Violation Notice" shall contain, but shall not be limited to, the following information:

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

2. The particular vehicular regulation violated.

3. Vehicle make and state registration number.

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

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

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

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

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

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

    d. Filing the "Hang-On Violation Notice", with the "Request for Hearing" portion fully completed, with the Traffic Compliance Administrator postmarked by the 25th of the month, if the violation notice was issued between the 1st through the 15th day of the month, or postmarked by the 10th of the following month, if the violation notice was issued between the 16th and the end of the month. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator.

7. The date, time and place of an administrative hearing at which the violation may be contested on its merits.

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

9. A section entitled, "Request for Hearing – Non-Appearance", which clearly sets forth that any registered owner, operator or lessee may appear at the initial administrative hearing to contest the validity of the violation notice without personally appearing by:

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

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

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

   d. Filing the violation notice with the "Request for Hearing – Non-Appearance" portion fully completed, with the Traffic Compliance Administrator postmarked by the 25th of the month, if the violation notice was issued between the 1st through the 15th day of the month, or postmarked by the 10th of the following month, if the violation notice was issued between the 16th and the end of the month.

   e. Filing a notarized statement of facts, specifying the grounds for challenging the violation notice, with the Traffic Compliance Administrator postmarked by the 25th of the month, if the violation notice was issued between the 1st through the 15th day of the month, or postmarked by the 10th of the following month, if the violation notice was issued between the 16th and the end of the month.

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

E. Service of the vehicular regulation violation notice shall be made by the person issuing such notice by:

   1. Affixing the original or a facsimile of the notice to any unlawfully standing or parked vehicle or any vehicle found to be in an unlawful condition, or

2. Handing the notice to the registered owner, operator or lessee of the vehicle, if present.

F. The correctness of facts contained in the vehicular regulation violation notice shall be certified by the person issuing the notice by:

1. Signing his/her name to the notice at the time of issuance, or

2. In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the Traffic Compliance Administrator, attesting to the correctness of all notices produced by the device while under his/her control.

G. The original or a facsimile of the vehicular regulation violation notice shall be retained by the Traffic Compliance Administrator and kept as a record in the ordinary course of business.

H. Prima Facia Evidence of Correctness – Any vehicular regulation violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall, pursuant to statute, be deemed prima facia correct and shall be prima facia evidence of the correctness of the facts shown on the notice.

I. Admissibility – The vehicular regulation violation notices shall be admissible in any subsequent administrative or legal proceeding.

15-7-4: ADMNISTRATIVE HEARINGS: An administrative hearing to adjudicate the alleged vehicular regulation violation on its merits or the validity of a notice of impending drivers license suspension:

A. Shall be granted to the registered owner, operator or lessee of the "cited vehicle", pursuant to 625 ILCS 5/11-208.3 or 625 ILCS 5/6-306.5.

B. Shall be on the date, at the time and at the place as is set forth in the vehicular regulation violation notice ("Hang-On Violation Notice") issued and served, as is set forth in any subsequent notice issued in accordance with this Code or as is set by the Traffic Compliance Administrator and served upon the registered owner, operator or lessee for hearings contesting the validity of notices or of impending drivers license suspension.

C. Shall be tape recorded.

D. Shall include consideration of any written, notarized statement of facts timely submitted by persons filing a "Request for Hearing – Non-Appearance."

E. Shall allow persons appearing to contest the alleged violation on its merits to be

represented by counsel at their own expense.

F. Shall be subject to review as hereinafter set forth.

G. Shall culminate in a determination of liability or non-liability, made by the Hearing Officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Such determination shall provide the opportunity to petition for administrative review as herein explained. The Hearing Officer shall, upon a determination of liability, assess fines and penalties in accordance with Section 15-7-9.

15-7-5: ADDITIONAL NOTICES:

A. Upon failure of the registered owner, operator or lessee of the "cited vehicle" to appear at the initial administrative hearing indicated in the vehicular regulation violation notice ("Hang-On Violation Notice") the Traffic Compliance Administrator shall send or cause to be sent additional notices which:

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

2. Shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease.

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

4. Shall be complete as to service as of the date of deposit in the United States mail.

5. Shall contain, but not be limited to, the following information:

   a. Date and location of violation cited in the vehicular regulation violation notice.

   b. Particular regulation violated.

   c. Vehicle make and state registration.

   d. Fine and any penalty that may be assessed for late payment.

   e. Notice to the registered owner, operator or lessee of their current status, other than paid in full.

   f. Date, time and place of the second administrative hearing at which the alleged violation may be contested on its merits.

g. A statement that failure to either pay the fine and any applicable penalty, or failure to appear at the hearing on the date and at the time and place specified, will result in a determination of vehicular regulation violation liability for the "cited" violation in the amount of the fine and penalty indicated.

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

B. Upon failure of the registered owner, operator or lessee of the "cited vehicle" to appear at the initial administrative hearing indicated in the vehicular regulation violation notice ("Hang-On Violation Notice"), and after failure to appear at the second hearing scheduled, a notice of determination of vehicular regulation violation liability shall be sent detailing, the rights of the offender to petition for the determination to be set aside on certain grounds; and notice that ten (10) or more outstanding determinations and failure to pay within forty-five (45) days will result in a report being sent to the Secretary of State's office that the offender is eligible for license suspension. Such notice shall inform the recipient that if five (5) or more unpaid final determinations of liability are outstanding the Chief of Police will be informed of the vehicle's eligibility for immobilization.

15-7-6: ADMINISTRATIVE REVIEW:

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

A. A written petition to set aside a determination of liability must be filed in the office of the Traffic Compliance Administrator within, but not later than, fourteen (14) days from the date the determination of liability is made.

B. The Traffic Compliance Administrator shall act upon those petitions timely filed and render a decision thereon within fourteen (14) days of the date filed.

C. The grounds for setting aside a determination of liability shall be limited to the following:

1. The person against whom the determination of liability is made was not the registered owner, operator or lessee of the "cited vehicle" on the date the vehicular regulation violation notice was issued;

2. The person has paid the fine or penalty prior to the determination of liability for the violation(s) in question; or

3. Excusable failure to appear at or request a new date for a hearing.

D. Should the determination of liability be set aside, the Traffic Compliance Administrator shall:

1. Notify the registered owner, operator or lessee, as the case may be, that the determination of liability has been set aside.

2. Notify the registered owner, operator or lessee, as the case may be, of a date, time and place for a hearing on the merits of the violation for which determination of liability has been set aside

3. The notice referenced in subsection (1) and (2) above shall be sent by first class mail, postage prepaid to the address set forth on the petition to set aside the determination of liability.

4. Service of the notices shall be complete on the date the notices are deposited in the United States mail.

E. Should the determination of liability not be set aside, the Traffic Compliance Administrator, shall:

1. Notify the registered owner, operator or lessee, as the case may be, that the determination has not been set aside and is now deemed to be a final determination reviewable by the Circuit Court under the Administrative Review Law upon filing a lawsuit with the Circuit Court within thirty-five (35) days of receipt of the notice.

15-7-7: FINAL DETERMINATION OF LIABILITY:

A final determination of vehicular regulation violation liability shall occur:

A. Following the failure to pay the fine or penalty after the Hearing Officer's determination of vehicular regulation violation liability and the exhaustion of or the failure to exhaust any administrative review procedures hereinafter set forth.

B. Where a person fails to appear at the second hearing to contest the alleged violation (s) on the date and at the time and place specified in the mailed notice, the Hearing Officer's determination of vehicular regulation violation liability shall become final:

1. Upon denial of a timely petition to set aside that determination pursuant to Section 15-7-6; or

2. Upon the expiration of the period for filing a petition pursuant to Section 15-7-6 without a filing having been made.

15-7-8: NON-APPEARANCE PROCEDURES:

Individuals who have been served with a vehicular regulation violation notice may contest the alleged violation on its merits, or may contest the validity without personally appearing at an administrative hearing by:

A. Completing, in full, the "Request for Hearing – Non-Appearance" section of the "Hang-On Violation Notice", served upon him/her.

B. Signing the "Request for Hearing – Non-Appearance" in the space specified in the "Hang-On Violation Notice", and acknowledging that his/her personal appearance is waived and submitting to an adjudication based upon the notarized statement filed by him/her and the facts contained in the "Hang-On Violation Notice".

C. Filing the "Hang-On Violation Notice" with the "Request for Hearing – Non-Appearance" section fully completed with the Traffic Compliance Administrator postmarked by the 25th of the month, if the violation notice was issued between the 1st through the 15th day of the month, or postmarked by the 10th of the following month, if the violation notice was issued between the 16th and the end of the month.

D. Filing a notarized statement of facts specifying the grounds for challenging the violation notice with the Traffic Compliance Administrator postmarked by the 25th of the month, if the violation notice was issued between the 16th and the end of the month.

E. The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed and the facts contained in the "Hang-On Violation Notice".

F. Notice of the determination of the Hearing Officer shall be served by first class mail, postage prepaid, addressed to the address set forth in the statement of facts submitted in the same manner as set forth in Section 15-7-5(B).

G. Persons who receive a determination of liability pursuant to a "Request for Hearing – Non-Appearance" shall also have the opportunity to petition for review and to claim in writing the defenses listed in Section 15-7-6(C). Upon denial of a petition for such review or upon a hearing after such petition is granted, a Final Determination shall issue indicating the offenders right to file a lawsuit with the Circuit Court under the Administrative Review Law within thirty-five (35) days of receipt of the Final Determination.

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

15-7-9: SCHEDULING OF FINES/PENALTIES: The fines and penalties which shall be imposed for the violation of vehicular regulations shall be as follows:

A. Unless otherwise provided to the contrary in this Code, for violations of any Code provision regulating, restricting or prohibiting the standing or parking of motor vehicles along the streets, by-ways, alleyways, regulated parking lots or such other locations as may be controlled by off-street parking agreements, located within the geographical boundaries of the Village, including handicapped parking, for violations regarding the use or condition of vehicular equipment and for violations regarding municipal vehicle stickers, the fines shall be as set forth in the following schedule.

	Fine Schedule	General Fine Amount	*Specific Fine Amt.	**Specific Fine Amt.
Step 1	Upon service of a "Violation Notice" issued and paid, prior to or on the 1st Hearing Date, the fine owed shall be:	$50.00	$250.00	$350.00
Step 2	Having failed to pay the fine amount specified in Step 1 prior to or on the 1st Hearing Date, the fine amount, the fine amount shall be:	$250.00	$250.00	$350.00

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* For violations of Sections 8-2-24 and 8-2-25 of the Municipal Code of Bridgeview.

** For the second and each subsequent violation of Sections 8-2-24 and 8-2-25 of the Municipal Code of Bridgeview.

B. A person may waive a hearing by paying the fine amount specified in Step 1 by the 25th of the month if the citations was issued between the 1st and 15th day of the month or by the 10th of the following month if the citation was issued between the 16th and end of the previous month.

C. As a courtesy to an individual who files a timely "Request for Hearing – Non-Appearance" the fine amount shall be frozen at the amount specified in Step 1 until five (5) days after a notice of determination has been mailed to the violator.

D. The fines and penalties herein set forth shall be uniformly applied for each violation of any Code provision regulating or prohibiting the standing or parking of motor vehicles, the use or condition of vehicular equipment and the requirement for display of a municipal vehicle sticker presently in effect or hereafter adopted.

15-7-10: JUDICIAL REVIEW:

A. Final determinations of vehicular regulation violation liability made pursuant to this Article shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/3-101 *et seq.*

B. The fines as set forth in Section 15-7-9 will not increase and will otherwise be tolled upon the timely filing of a complaint with the Circuit Court.

15-7-11: DEBT TO MUNICIPALITY:

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this Article, and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures, shall be a debt due and owing the Village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a violation under this Article shall constitute a final disposition of that violation. Notwithstanding the foregoing, any fine imposed by the Hearing Officer which remains unpaid after the allotted time shall be increased to the maximum fine. The increase in the fine resulting from the non-payment within the allotted time shall be self-effecting and shall not require additional notice to the violator or a hearing increasing the fine amount.

15-7-11: DEBT TO MUNICIPALITY:

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this Article, and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures, shall be a debt due and owing the Village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a violation under this Article shall constitute a final disposition of that violation. Notwithstanding the foregoing, any fine imposed by the Hearing Officer which remains unpaid after the allotted time shall be increased to the maximum fine. The increase in the fine resulting from the non-payment within the allotted time shall be self-effecting and shall not require additional notice to the violator or a hearing increasing the fine amount.

15-7-12: JUDGMENTS:

The Traffic Compliance Administrator shall, following the expiration of the period within which administrative and judicial review may be sought for a determination of vehicular regulation liability take all necessary actions, execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect moneys from the person(s) who have been assessed fines or penalties which remain unpaid, and have become a debt due and owing the Village, in accordance with the provisions of Section 15-7-11 and 625 ILCS 5/11-208.3, in the following manner:

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

   1. A certified copy of the final determination of vehicular regulation violation liability:

   2. A certification that recites facts sufficient to show that the final determination of vehicular regulation violation liability was issued in accordance with this Code and 625 ILCS 5/11-208.3. Nothing shall prevent the Village from consolidating multiple final determinations of vehicular regulation violation liability in an action in the Circuit Court against an individual. The summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this Code, by any method provided under the provisions of this Code, by any method provided under State Statute; or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of vehicular regulation violation liability does not exceed $2,500.00.

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

15-7-12: JUDGMENTS:

The Traffic Compliance Administrator shall, following the expiration of the period within which administrative and judicial review may be sought for a determination of vehicular regulation liability take all necessary actions, execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect moneys from the person(s) who have been assessed fines or penalties which remain unpaid, and have become a debt due and owing the Village, in accordance with the provisions of Section 15-7-11 and 625 ILCS 5/11-208.3, in the following manner:

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

1. A certified copy of the final determination of vehicular regulation violation liability:

2. A certification that recites facts sufficient to show that the final determination of vehicular regulation violation liability was issued in accordance with this Code and 625 ILCS 5/11-208.3. Nothing shall prevent the Village from consolidating multiple final determinations of vehicular regulation violation liability in an action in the Circuit Court against an individual. The summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this Code, by any method provided under the provisions of this Code, by any method provided under State Statute; or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of vehicular regulation violation liability does not exceed $2,500.00.

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

CHAPTER 15

MISCELLANEOUS REGULATIONS

ARTICLE 8. ADMINISTRATIVE ADJUDICATION OF NON-VEHICULAR REGULATIONS VIOLATIONS

SECTION

15-8-1: Purpose
15-8-2: Administrative Composition
15-8-3: Procedures
15-8-4: Administrative Hearings
15-8-5: Administrative Review, Judgment and Collection
15-8-6: Judgment and Collection
15-8-7: Election of Remedies Non-Exclusive

15-8-1:PURPOSE: The purpose of this Chapter is to provide a fair and efficient method of enforcing the Village of Bridgeview's ("Village") regulations through administrative adjudication of charges of non-vehicular violations of the Village Code. All provisions of the Village Code may be enforced through the administrative adjudication system, provided the system shall have no authority to impose a penalty of incarceration or adjudicate an offense under the Illinois Motor Vehicle code which is a traffic regulation governing moving vehicles, or to impose a fine in excess of $50,000.00 .The Village reserves its right to employ all other means and methods available under the law to enforce its Village Code, including direct application to the Courts.

Section 1-2.1-2 of the Illinois Municipal Code (65 ILCS 5/1-2.1-2) allows home rule municipalities to provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution. The Village is a home rule municipality. The Illinois Constitution provides that a home rule unit may exercise any power and perform any function pertaining to its government and affairs(Illinois Constitution, Art. VII, Sec. 6(a) (1970)).The Illinois Constitution also provides that a home rule unit may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive (Illinois Constitution, Art. VII, Sec. 6(i) (1970)). The Illinois Constitution further provides that the powers and functions of home rule units shall be construed liberally.

15-8-2:ADMINISTRATIVE COMPOSITION:

The system of administrative adjudication of non-vehicular regulations violations shall be composed of a Code Hearing Unit which shall be comprised of a Hearing Officer, and may include any one or more of the following: an Administrator, Computer Operator/System Coordinator and

Hearing Room Personnel (Deputy), with the power, authority and limitations as are hereinafter set forth:

A. Powers of the Hearing Officer – The Hearing Officer shall have all of the powers granted to hearing officers under State Law, set forth at 65 ILCS 5/1-2.1-4, the provisions of which are incorporated herein by this reference, including the power to:

1. Preside over all administrative hearings as the adjudicator.

2. Administer oaths.

3. Hear testimony and accept evidence that is relevant to the existence of the Code Violation.

4. Issue subpoenas to secure the attendance of witnesses and the production of relevant papers or documentation upon the request of the parties or their representatives.

5. Rule upon objections and the admissibility of evidence.

6. Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing.

7. Issue a determination, based on the evidence presented at the hearing, of whether a Village Code violation exists. The determination shall be in writing and shall include a written finding of fact, decision, and order setting forth the fine, penalty, or action with which the person found liable must comply.

8. Impose penalties consistent with applicable Village Code provisions and assess costs upon finding a party liable for the charged violation. Notwithstanding those violations for which the Illinois Municipal Code limits the fine or penalty to seven hundred fifty dollars ($750.00) the Hearing Officer shall have the authority to impose fines and penalties up to $50,000.00.

9. In no event shall a Hearing Officer have the authority to:

    a. Impose a penalty of incarceration.

    b. Impose a fine in excess of $50,000.00.

    c. The maximum mandatory fine under subsection (b), shall be exclusive of costs of enforcement or costs imposed to secure compliance with the

municipality's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the municipality.

B. Powers of the Administrator – The Administrator shall be empowered and is authorized and directed to:

1. Operate and manage this administrative adjudication system.

2. Adopt, distribute and process Village Code violation notices and other notices as may be required to carry out the purpose of this Chapter.

3. Collect monies paid as fines and/or penalties assessed after a final determination of a Village Code violation.

4. Promulgate rules and regulations reasonably required to operate and maintain this administrative adjudication system.

5. Collect unpaid fines and penalties and otherwise pursue all post-judgment remedies available under law.

6. Collect fines for Violation Notices issued as "P" tickets (as provided for by Section 12-3(A) prior to any adjudication hearing.

7. Compromise or otherwise settle Violation Notices prior to a hearing date. However, any such compromise should be made of record by the Administrator on the date the Violation Notice was scheduled to appear for hearing, with an explanation by the Administrator as to the reasons for such compromise. The Hearing Officer is also required to approve any such compromise or settlement at the hearing.

C. Powers of the System Coordinator – The System Coordinator/Computer Operator shall operate and maintain computer programs for the administrative adjudication system created hereunder, on a day-to-day basis, including but not limited to:

1. Input of violation notice information.

2. Hearing and notice dates.

3. Fine and penalty assessments and payments.

4. Issue receipt for payment.

5. Issue succeeding notices of hearing dates or court dates and/or final determination of liability as directed by the Administrator or by the Hearing Officer in accordance with the provisions hereinafter set forth.

6. Keep accurate records of appearances and non-appearances at administrative hearings, pleas entered, fines and penalties assessed and paid.

D. Powers of the Hearing Room Personnel – The Hearing Room Personnel shall be full-time, part time or auxiliary police officers. The Hearing Room Personnel shall:

1. Maintain hearing room decorum.

2. Have and carry out such authority as is granted to courtroom deputies of the Circuit Court.

3. Perform such other duties or acts as may reasonably be required to maintain hearing room decorum as directed by the Hearing Officer, or by the Administrator.

E. Selection and Appointment of Personnel – The persons who shall hold the positions of Administrator, Hearing Officer, Computer Operator/Systems Coordinator, and Hearing Room Personnel under this Chapter shall be selected, and appointed according to the following procedures

1. The Mayor is hereby authorized to appoint (a) person(s) to hold the position of Hearing Officer.

2. In making selections, the Mayor shall consider all pertinent information, including at a minimum:

a. Candidate's ability to comply with the job descriptions as set forth herein; and

b. Background and performance data made available to the Mayor on file with the Village, or otherwise obtained by the Village; and

c. Whether the candidate meets the statutory criteria as an attorney licensed to practice law in the State of Illinois for at least three (3) years.

3. Administrator, System Coordinator and Hearing Room Personnel:

a. The Mayor shall assign the duties of Administrator, System Coordinator and Hearing Room Personnel to Village Employees.

F. Compensation – Compensation to be paid for any of the above stated positions shall be established annually by the Mayor and Board of Trustees.

15-8-3:PROCEDURES:

The system of administrative adjudication of non-vehicular regulations violations shall be conducted in accordance with the following procedures to assure Defendants are afforded due process of law:

A. Issuance of Violation Notices – Village Code violation notices ("Violation Notices") may be issued by any authorized person and shall contain information and shall be served, certified and have evidentiary value as hereinafter stated. Certain Violation Notices may be issued in the form of a "P" ticket allowing the recipient to pay the stated fine prior to any hearing. If the recipient fails to pay the required fine within the allotted time under the "P" ticket, the Violation Notice will be processed through the administrative adjudication system as otherwise provided for in this Article.

B. Authorization – All full-time, part-time and auxiliary police officers and other specifically appointed individuals including, but not limited to the Village's Code Enforcement Unit shall have the authority to issue Violation Notices.

C. Detection of Violations – Any individual authorized to issue a Violation Notice who detects a violation of any non-vehicular regulation shall issue a Notice of Violation thereof and shall serve the Violation Notice as herein provided.

D. Content – Violation Notices shall contain, at a minimum:

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

2. The particular Village Code section or regulation violated.

3. The common address of the building or property alleged to be in violation (the "Cited Property"), if applicable.

4. The signature and identification number, if applicable, of the person issuing the Violation Notice.

5. The date, time and place of the administrative hearing at which the charge may be contested on its merits. This date shall be no less than fifteen (15) days after the

date of service of the violation notice. A hearing may be set at a date less than 15 days after the date of service of the violation in an emergency situation where the violation constitutes a threat to public interest, safety or welfare.

6. At statement of penalties for failure to appear at the hearing.

7. If the Violation Notice is issued as a "P" ticket, the Notice shall include the amount of the fine and the date required for payment of the fine. The Notice under the "P" ticket shall also apprise the recipient that the failure to pay the stated fine within the allotted time will operate to process the Violation Notice within the administrative adjudication system as otherwise provided for by this Article.

E. Service of Violation Notices – Service of Violation Notices shall be made in a manner reasonably calculated to give the defendant actual notice, by:

1. Handing a copy of the Violation Notice to the person charged; or

2. Delivering a copy of the Violation Notice to the person charged by certified mail, return receipt. Such service shall be completed as of the date of deposit in the United States Mail

3. If a Building Code violation is alleged where the person charged is an owner or manager of the property, posting a copy on the Cited Property.

F. Certification - The correctness of facts contained in the Violation Notice shall be certified by the issuing person by:

1. Signing his/her name to the Violation Notice at the time of issuance; or

2. In the case of a Violation Notice produces by a computer device, by signing a single certificate, to be kept by the Administrator, attesting to the correctness of all Violation Notices produced by the device while under his/her control.

G. Business Records – The original or complete copy of the Violation Notice shall be retained and kept as a record in the ordinary course of Village business.

H. Prima Facie Evidence – Any violation Notice issued, signed and served in accordance herewith or a complete copy of the notice, shall be deemed prima facie correct and shall be considered prima facie evidence of the facts alleged therein.

I. Admissibility – The Violation Notices shall be admissible in any subsequent administrative or legal proceeding.

15-8-4: ADMINISTRATIVE HEARINGS:

An administrative hearing shall be held to adjudicate an alleged Village Code violation on its merits, or to contest the validity of a Violation Notice. Specifically, hearings shall be held to adjudicate alleged violations of all Village Code sections except those that are excluded by law from the Village's administrative adjudication system:

A. Time and Date – Hearings shall be on the date, time and place as set forth in Violation Notice issued and served.

B. Recording – Hearings shall be tape recorded.

C. Non-Appearance – Persons who do not appear on their scheduled hearing date shall have a default judgment entered against them.

D. Hearings Rights – Persons appearing to contest an alleged Violation Code violation may be represented by counsel of their own choice at their own expense, may present witnesses, may present 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.

E. Evidentiary Standard – The formal and technical rules of evidence to not apply in an administrative hearing conducted in compliance with this Article X. Evidence, including hearsay, may be admitted, pursuant to state law set forth at 65 ILCS 5/1-2.1-6, only if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

F. Determination of Liability – Hearings shall result in a default judgment, or a determination of liability or non-liability, made by the Hearing Officer, who shall consider facts and/or testimony. The Hearing Officer shall, upon a determination of liability, assess fines and penalties in accordance with this Chapter and issue a notice of final determination that shall contain, at a minimum, the following information and warnings:

1. The findings, decision and order of the Hearing Officer.

2. A date by which the violation must be brought into compliance with the Village Code.

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

4. 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 in the case in which a defendant fails to comply with a judgment ordering the correction of a Village Code violation or imposing any fine or other sanction as a result of the Village Code violation, a statement that any expenses incurred by the Village to enforce the judgment, including but not limited to, attorneys' fees, court costs and costs related to property demolition or foreclosure, shall be a debt due and owing the municipality and may be collected in accordance with applicable law.

5. A notice of judgment entered by default shall be forwarded to any person who fails to appear and shall contain the same information as a determination of liability stating that the judgment may be set aside by the Hearing Officer if, within twenty-one (21) days of issuance of the judgment, a petition is received stating what the Hearing Officer determines is good cause for failure to appear. The Hearing Officer, upon making a determination of good cause shall, within the twenty-one (21) day period, provide the petitioner with notice of a new hearing date or denial of the petition. The default judgment shall state that it shall constitute a final determination of liability if such petition is not received, if the petition is denied, or if after setting of a new hearing date the person fails to appear.

G. Final Determination – The determination of liability shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law as set forth in 735 ILCS 5/3-101, *et seq.*

15-8-5: ADMINISTRATIVE REVIEW, JUDGMENT AND COLLECTION:

Administrative Review of final determinations issued by the Hearing Officer under this Title shall be subject to the provisions of the Administrative Review Law as is set forth in Section 735 ILCS 5/3-101 *et seq.* of the Illinois Code of Civil Procedure which sections are incorporated herein by reference.

15-8-6: JUDGMENT AND COLLECTION:

A. Enforcement – Upon expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a Village Code violation unless stayed by a court of competent jurisdiction, the findings, decision and order of the Housing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

B. Court Costs, Attorneys' Fees and Costs of Collection –In any case in which a person has failed to comply with a Hearing Officer's judgment ordering the correction of a Village Code violation or imposing any fine or other sanction as a result of a Village Code violation, any expenses incurred by the Village to enforce the judgment, including, but not limited to, attorneys' fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or by the Hearing Officer, shall be a debt due and owing the Village and may be collected in accordance with applicable law.

1. Prior to any expenses being fixed by the Hearing Officer pursuant to this subsection, the Village shall provide notice to the person that states that the person shall appear at a hearing before the Hearing Officer to determine whether the person has failed to comply with the judgment. The notice shall set the date for such hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by mail, the seven (7) day period shall begin on the date the notice was deposited in the mail.

2. Upon being recorded in the manner required by Article 12 of the Code of Civil Procedure (735 ILCS 5/12-101 *et seq.* or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the person in the amount of any debt due and owing the Village under this Section. The lien may be enforced in the same manner as a judgment lien would be enforced in a court of competent jurisdiction.

15-8-7 ELECTION OF REMEDIES NON-EXCLUSIVE:

Nothing contained in this Chapter shall prevent the Village from pursuing all available remedies, allowed by law, to collect money judgments.

CHAPTER 15

MISCELLANEOUS REGULATIONS

ARTICLE 9. BLOCK PARTIES

SECTION:

15-9-1: Purpose
15-9-2: Permit Required; Applications
15-9-3: Approval or Disapproval of Permit Applications
15-9-4: Duration of Permit; Time Limitations
15-9-5: Conduct Prohibited
15-9-6: Cleanup Required
15-9-7: Blocking of Streets
15-9-8: Limitation on Number of Permits Issued

15-9-1: PURPOSE: The purpose of this Article is to provide for the temporary blocking of Village streets in a safe manner to allow a residential neighborhood to conduct a neighborhood block party, celebration, graduation party, or other like event. As used herein, "block party" means a neighborhood party but shall not include a garage sale, yard sale, bazaar, rummage sale or other similar activity used for fundraising for an individual or organization, nor shall it include a political meeting, carnival, or music concerts.

15-9-2: PERMIT REQUIRED; APPLICATI0N:

A. No person shall block or barricade any street in the Village without having a block party permit.

B. No person shall organize or participate in a block party in violation of any provision of this Article.

C. Upon approval of the Mayor and Board of Trustees, the Village Clerk shall be authorized to issue a permit for the temporary blocking of a street for the purpose of holding a block party. Such permit shall allow the temporary blocking of one street for a one-block length on one particular date only, and during a specified time period which shall be of a single duration. An application for such permit including a list of neighborhood signatures approving the block party, shall be filed with the Village Clerk at least 14 days before the commencement of such block party.

D. The form of the permit application shall be determined by the Village Clerk.

15-9-3: APPROVAL OR DISAPPROVAL OF PERMIT APPLICATION:

The permit shall be issued by the Village Clerk after approval of the Mayor and Board of Trustees upon determining that the block party is authorized by this article. The permit shall be denied if blocking the Village street will unduly interfere with the flow of vehicular traffic, if a petition not signed by residents of at least 50% of the affected residential properties is not filed, or the block party is not authorized under this Article. The Village Clerk shall advise the applicant, in writing, of the reason for denial of the application. There will be no fee charged for the permit.

15-9-4: DURATION OF PERMIT; TIME LIMITATIONS:

A permit issued pursuant to this Article shall be valid only for the date and hours specified thereon, which shall not exceed 8 hours and shall commence later than 11:00 a.m. and terminate by 10:00 p.m. The permit may be revoke immediately by the Police Department in the event that the block party is conducted in violation of this Article or the Bridgeview Municipal Code.

15-9-5: CONDUCT PROHIBITED:

Block party activities shall not create a public or private nuisance, an undue hazard or disturbance to the public peace, tranquility, health, welfare, safety or morals, or create an excessive burden on police, fire or other public operations, equipment or facilities. The Village noise ordinance is enforced on a complaint basis. Block party permits provide no waiver to the noise ordinance. Alcoholic beverages shall not be sold. Recreational equipment such as jumping gyms, dunk tanks, basketball hoops, and amusement rides may not be located on the public right-of-way byt may be located on private property.

15-9-6: CLEANUP REQUIRED:

The applicant shall be responsible for the removal of litter, debris and other materials from the street pr portion thereof used for the block party which is attributable to or caused by the block party.

15-9-7: BLOCKING OF STREETS:

A. The Village will supply barricades which will be dropped off on the week day prior to the block party and picked up on the week day following the block party. Such barricades shall be erected and removed in accordance with the hours of the permit for the block party.

B. At least one half of the pavement of the blocked Village street shall remain unobstructed in order to allow emergency vehicles to enter in response to an emergency and to allow residents on the block to access their property by vehicles.

15-9-8: LIMITATION ON NUMBER OF PERMITS ISSUED:

No more than 2 block party permits shall be granted by the Village Clerk in any calendar year for the same block.

CHAPTER 15

MISCELLANEOUS REGULATIONS

ARTICLE 10: NOISE RESTRICTIONS

SECTION:

15-10-1: Definitions
15-10-2: Most Restrictive Limits to Apply
15-10-3: Music and Amplified Sound
15-10-4: Regulated Sale of Alcoholic Liquor Businesses
15-10-5: Mechanical Stationary Sources
15-10-6: Emergency Signal Devices
15-10-7: Non-Emergency Signal Devices
15-10-8: Noise Sensitive Zones
15-10-9: Loading and Unloading Operations
15-10-10: Scavenger Service Operations
15-10-11: Construction, Repair or Demolition Equipment
15-10-12: Trucks and Refrigeration Units
15-10-13: Limitations on Noise Not Otherwise Addressed
15-10-14: Exceptions and Exclusions

15-10-1: DEFINITIONS

When used in this Article, the following terms have the stated definitions:

A. "*Air handling unit*" means any device or machine that as part of its function moves air into or out of a building, and includes but is not limited to any air conditioner, ventilation fan or exhaust fan.

B. "*Ambient noise level*" means the sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of a source or sources under investigation for violation of this Code.

C. "*Average* conversational level" means a level at which normal, unamplified speech is clearly and distinctly audible above ambient noise level.

D. "*Mechanical stationary source*" means any machine or device operated by fuel or electric power that does not change locations in the course of its use, including but not limited to air handling units and refrigeration units. Mechanical stationary sources include sources on vehicles or trailers, including but not limited to generators, used when the vehicle or trailer is parked.

E. "*Noise disturbance*" means any sound which (1) is audible at a distance of 600 feet or more from the point of generation; or (2) generates a sound pressure level on the public way exceeding 80 dB((A) when measured at a distance of ten feet or more from the source.

F. "*Private open space*" means any area on private property that is open to the outdoors, including but not limited to backyards, front yards, gangways and structures with windows and/or doors open to the outdoors.

G. *"Public way"* means any sidewalk, street, alley, highway or other public thoroughfare.

H. *"Refrigeration unit"* means any device or machine that as part of its function cools air, and includes but is not limited to any air conditioner or compressor used in connection with any refrigerator or freezer.

15-10-2: MOST RESTRICTIVE LIMITS TO APPLY

In case of a conflict between any Sections of this Article, the provision which contains the most restrictive limits applies.

15-10-3: MUSIC AND AMPLIFIED SOUND

A. No person on the public way shall employ any device or instrument that creates or amplifies sound including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more, measured vertically or horizontally, from the source.

B. Between the hours of 10:00 p.m. and 8:00 a.m., no person on any private open space shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated.

C. The limitations imposed in this Section do not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event, provided that a permit has been issued, if required, and the person is in compliance with the permit.

D. The limitations imposed in this Section do not apply to emergency and non-emergency signal devices as described in Sections 15-10-6 and 15-10-7 of this Code, respectively.

15-10-4: REGULATED SALE OF ALCOHOLIC LIQUOR BUSINESSES

No establishment holding a liquor license shall operate or permit operation of any equipment or device that electronically amplifies sound so as to generate sound having a sound pressure level greater than 55 dB(A) when measured from within any dwelling unit; provided that, if the ambient noise level is greater than 55 dB(A), then the applicable limitation is 10 dB9A) above the ambient noise level.

15-10-5: MECHANICAL STATIONARY SOURCES

A. No person shall operate or permit operation of any mechanical stationary source in such a manner as to generate sound having a sound pressure level greater than 55 dB(A) when measured from a distance of 100 feet or more.

B. The limitation contained in this Section shall apply from 8:00 p.m. to 8:00 a.m., unless the mechanical stationary source is subject to other operating hours pursuant to a permit or other written authorization issued by the Director of Building and Inspectional Services.

C. The Director of Building and Inspectional Services may promulgate regulations specifying uniform noise mitigation procedures for air handling units and refrigeration units. Any properly maintained equipment that complies with procedures adopted under this paragraph shall be deemed to be in compliance with Subsection (a) of this Section.

D. The limits set in Subsection (a) of this Section do not apply to sounds generated by a generator employed to provide emergency electrical power.

15-10-6: EMERGENCY SIGNAL DEVICES

No person shall intentionally sound or permit the sounding outdoors of any fire alarm, burglar alarm, siren or similar stationary emergency signaling device except in the following instances:

A. For emergency purposes; or

B. For testing, provided that:

1. each time such a test is performed, the test shall use only the minimum cycle test time and in no case shall exceed four minutes nor shall it occur before 9:00 a.m. or after 5:00 p.m.; and

2. periodic testing of any stationary emergency signaling device shall occur at the same time of day.

15-10-7: NON-EMERGENCY SIGNAL DEVICES

A. No person shall sound or permit the sounding of any signal from any stationary bell, chime, siren, whistle or similar device, or any recording or electronic reproduction thereof, intended primarily for non-emergency purposes from any place in such a manner as to create a noise disturbance within a residential district for more than five minutes in an hourly period.

B. No person shall blow or cause to be blown any steam whistle as a signal for commencing or suspending work or any other purpose. This Subsection does not prohibit the use of steam whistles as alarm signals in case of fire, collision or other imminent danger.

15-10-8: NOISE SENSITIVE ZONES

No person shall create or cause the creation of any sound so as to interfere with the functions of any school, library, church hospital or nursing home.

15-10-9 LOADING AND UNLOADING OPERATIONS

No person shall undertake or cause the loading, unloading, opening, closing or other handling of boxes, crates, containers, building, materials, garbage cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:30 a.m. in such a manner as to cause a noise disturbance within a residential district.

15-10-10 SCAVENGER SERVICE OPERATIONS

No person shall collect waste, landscape waste or recyclables from a residential structure earlier than 6:00 a.m. or after 5:30 p.m. Monday through Friday. No person shall collect waste, landscape waste or recyclables from a residential structure earlier than 7:00 a.m. or after 12:00 noon on Saturday. No person shall collect waste, landscape waste or recyclables from a residential structure on Sunday or any holiday designated by the Mayor. In the event of an emergency or problems with collection of waste, landscape waste or recyclables, the Mayor may authorize different hours of collection.

15-10-11 CONSTRUCTION, REPAIR OR DEMOLITION EQUIPMENT

A. No person shall use or cause the use of any mechanical equipment or tool operated by fuel or electric power in building, construction, repair or demolition operations to be used other than between the hours of 7:00 a.m. through 6:00 p.m. Monday through Friday, or between the hours of 7:00 a.m. through 12:00 noon on Saturday.

B. The limitation of this Section does not apply to any construction, demolition or repair work of an emergency nature or to work on public improvements authorized by a governmental body or agency or to emergency work authorized by the Director of Building and Inspectional Services.

15-10-12 TRUCKS AND REFRIGERATION UNITS

Within a residential district or within 200 feet of a residential district, no person shall allow a truck engine or refrigeration unit of a truck trailer to operate in excess of 15 minutes while such truck or trailer is parked or not moving.

15-10-13 LIMITATIONS ON NOISE NOT OTHERWISE ADDRESSED

The following general noise limitations shall apply:

A. Between 8:00 p.m. and 8:00 a.m., no person shall generate any noise on the public way that is louder than average conversational level at a distance of 100 feet or more, vertically or horizontally, from the source.

B. Between 8:00 p.m. and 8:00 a.m., no person shall generate any noise on any private open space that is louder than average conversational level at a distance of 100 feet or more, measured from the property line of the property from which the noise is being generated.

15-10-14 EXCEPTIONS AND EXCLUSIONS

A. *Aircraft and airports.* The limits set forth in this Article do not apply to sounds or vibrations generated by any aircraft or generated in connection with the operation of any airport.

B. *Stadiums.* The limits set forth in this Article do not apply to sounds generated at Toyota Park.

C. *Special events and public performances.*

1. The limits set forth in this Article do not apply to a person participating in a parade, athletic event, public assembly, or outdoor special event, provided that a permit has been issued, if required, and the person is in compliance with the permit.

2. The limits set forth in this Article do not apply to any public performance authorized or conducted by another public entity on public land.

3. The limits set forth in this Article do not apply to any fireworks display conducted in accordance with the provisions of a fireworks permit issued by the Village.

D. *Emergency or civic construction, demolition or repair work.* The limits set forth in this Article do not apply to sounds generated in construction, demolition or repair work of an emergency nature or in work on public improvements authorized by a government body or agency.

E. *Human voices.* The limits set forth in this Article do not apply to noise created by unamplified human voices.

F. *Industrial districts.* The limits set forth in this Article do not apply to sounds measured within the I-1 Limited Industrial District and the I-2 General Industrial District. This paragraph does not exclude sounds generated within any industrial district that are measured outside the boundary of the industrial district.

G. *Emergency Sirens.* The limits set forth in this Article do not apply to emergency sirens operated by any law enforcement agency, fire department, or ambulance service.

CHAPTER 15

MISCELLANEOUS REGULATIONS

ARTICLE 11. SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES

SECTION

15-11-1: Definitions.
15-11-2: Violations.
15-11-3: Seizures and Impoundment of Vehicles
15-11-4: Posting a Bond
15-11-5: Preliminary Hearing on Impoundment
15-11-6: Final Hearing
15-11-7 Unclaimed Vehicles
15-11-8 Liability for Penalty and Costs

15-11-1: DEFINITIONS: For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. The term *Controlled Substance* means any substance as defined and included in the schedules contained in Article II of the Illinois Controlled Substance Act (720 ILCS 570/101, *et seq.*), as amended from time to time, and cannabis as defined in §3 of the Cannabis Control Act (720 ILCS 550/3), as amended from time to time.

B. The term *Curfew Violation* means a violation of Section 14-4-5 of the Municipal Code for the Village of Bridgeview.

C. The term *Drag Racing* means a violation of §11-506 of the Illinois Vehicle Code (625 ILCS 5/11-506), as amended from time to time.

D. The term *Drug Paraphernalia* means any equipment, product, and/or materials as defined in §2 of the Drug Paraphernalia Act (720 ILCS 600/2), as amended from time to time.

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

F. The term *Driving While License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked* means any violation as defined in §6-603 of the Illinois Vehicle Code (625 ILCS 5/6-303), as amended from time to time, excepting those

G. instances where a license has been suspended or revoked as a result of vehicle emissions.

H. The term *During or After the Commission of a Felony* during or returning from the commission of a felony as defined by Illinois and Federal statute.

I. The term *Outstanding Criminal Warrant* shall mean any valid and active criminal warrant.

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

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

L. The term *Illegal Transportation of Open Alcohol* means any violation as defined in §11-502 of the Illinois Vehicle Code (625 ILCS 5/11-502), as amended from time to time.

M. The term *Operation of a Motor vehicle without a Drivers License* means a violation of §6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101), as amended from time to time, where the driver's license or driving privileges canceled or never obtained, excepting licenses that have been expired for less than 6 months.

N. The term *Owner of Record* means the record titleholder to a motor vehicle.

O. The term *Reckless Driving* means a violation of §11-503 of the Illinois Vehicle Code (625 ILCS 5/11-503), as amended from time to time.

P. The term *Solicitation of Prostitution* means a violation of §11-15 of the Criminal Code of 1961 (720 ILCS 5/11-15) as amended from time to time.

Q. The term *Stolen Goods or Property* means any goods or property illegally obtained or not paid for with full consideration.

R. The term *Underage Possession of Alcohol* means the possession of any alcoholic beverage(s) without an individual of legal age being present and in possession of said alcohol or without any exemptions under the law being applicable.

S. The term *Unlawful Use of Weapons* means a violation of §24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1), as amended from time to time.

15-11-2 VIOLATIONS: An owner of record shall be in violation of this Section if his/her vehicle is used in conjunction with the following:

A. Unless otherwise authorized by State law, the possession or delivery of a Controlled Substance or Drug Paraphernalia;

B. Curfew Violations;

C. Drag Racing;

D. Driving During or After the Commission of a Felony;

E. Driving Under the Influence;

F. Driving While License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked;

G. Operating a vehicle with an Outstanding Criminal Warrant;

H. Fleeing and Eluding a Peace Officer;

I. Illegal Transportation of Open Alcohol;

J. Operation of a Motor Vehicle without a Valid Drivers License;

K. Reckless Driving;

L. Solicitation of Prostitution;

M. Transportation or possession of Stolen Goods or Property;

N. Underage Possession of Alcohol; and,

O. Unlawful Use of Weapons.

15-11-3: SEIZURES AND IMPOUNDMENT OF VEHICLES: Whenever a police officer has probable cause to believe that a vehicle is being used in violation of Section 15-11-2 he shall cause the seizure and impoundment of the vehicle to a facility controlled by the Village or its agents. When the vehicle is towed, the police officer shall notify any person identifying himself or herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing as provided in this Article.

No vehicle shall be seized or impounded under this Article unless the police officer determines that such action is reasonable under the circumstances including but not limited to community caretaking functions. If the vehicle is capable of being removed from the scene by an individual who is present on the scene, and who has permission from the owner of the vehicle to drive the vehicle, and the individual is otherwise capable of lawfully operating a motor vehicle in the State of Illinois, the police officer shall allow that individual to remove the vehicle without being subject to seizure and impoundment. Similarly, if the vehicle is parked legally, and/or will not present a hazard to the public safety, or will not otherwise jeopardize the efficient movement of vehicular traffic at its location, the officer shall permit the vehicle to remain at its location without being seized or impounded pursuant to this Article. This determination shall not apply when the vehicle is required to be seized or impounded due to investigative measures or when a vehicle is seized or impounded pursuant to another lawful purpose.

When a vehicle is not seized or impounded pursuant to this Section, the owner shall not be required to post the requisite Five Hundred Dollar ($500.00) bond as referenced in Section 15-11-4.

15-11-4: POSTING A BOND: If a bond in the amount of Five Hundred Dollars ($500.00) is posted with the Village, the impounded vehicle will be released to the owner of record, upon the payment by the owner of record of the towing and storage costs. If a penalty is imposed for a violation of this Article, the bond will be forfeited to the Village; provided, in the event that a violation of this Article is not proven, the bond will be returned to the person posting the bond. All bond money posted pursuant to this Article will be held by the Village until the hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision.

15-11-5: PRELIMINARY HEARING ON IMPOUNDMENT: Where the owner of a vehicle seized under the provisions of this Article requests a preliminary hearing within twelve (12) hours after the seizure of the motor vehicle, the Watch Commander or any supervising officer must conduct a preliminary hearing within twenty-four (24) hours after the request for the preliminary hearing is received by the Village. No preliminary hearing shall be required or granted to an owner whose vehicle was not seized or impounded pursuant to this Article. For purposes of this Section, the following shall apply:

A. All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.

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

C. If, after the conclusion of the hearing, the Watch Commander or supervising officer determines that the seizure and impoundment of the vehicle was proper under Section 15-11-3, he/she shall order the continued impoundment of the vehicle unless the owner of the vehicle posts a cash bond with the Village in the amount of Five Hundred Dollars ($500.00). Posting of the bond shall not relieve the owner from paying any applicable towing and storage costs associated with the seizure and impoundment of the vehicle.

D. If the Watch Commander or supervising officer determines that the vehicle should not have been seized or impounded pursuant to Section 15-11-3, the motor vehicle will be returned to the owner of record of the vehicle without the posting of the bond and without the costs associated with the seizure and impoundment of the vehicle. A determination that the vehicle should not have been seized or impounded pursuant to Section 15-11-3 has no bearing nor will it relieve an owner of responsibility for violating Section 15-11-2 of this Article.

15-11-6: FINAL HEARING:

A. Notices. After a vehicle is impounded pursuant to this Article, notice shall be given, to the owner of record, of the date of the hearing. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. Notice by certified mail need not be given when the owner of the vehicle has been personally served with notice, in written form.

B. Administration. Citations for violating this Article shall be administered through Chapter 15, Miscellaneous Regulations, Article 8, Administrative Adjudication of Non-Vehicular Regulations Violations. To the extent the procedures herein provide further procedural protections or augment those provided in Chapter 15, Miscellaneous Regulations, Article 8, Administrative Adjudication of Non-Vehicular Regulations Violations, the provisions of this Article shall govern.

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

(1) Unless continued by order of the hearing officer, the hearing shall be held within sixty (60) days after the motor vehicle was seized.

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

(3) If, the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used in violation of Section 15-11-2, and further determines that the seizure and impoundment of the vehicle was proper under Section 15-11-3, the hearing officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the Village a penalty in the amount of Five Hundred Dollars ($500.00), plus the towing and storage costs. The penalty and costs shall be a debt due and owing to the Village.

(4) If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the Village, which order shall require the payment to the Village of a penalty of Five Hundred Dollars ($500.00).

(5) If the hearing officer determines that the vehicle was not used as hereinabove provided in violation of Section 15-11-2, the motor vehicle will be returned to the owner of record of the vehicle without any penalty or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.

(6) If the hearing officer determines that the vehicle was used in violation of Section 15-11-2, but determines that the vehicle was not properly subject to seizure or impoundment under Section 15-11-3, the hearing officer shall enter a judgment against the owner in the amount of Five Hundred Dollars ($500.00) and release the seized vehicle without towing and storage costs and/or order the reimbursement of towing and storage costs if the vehicle was previously released. The penalty shall be a debt due and owing to the Village.

(7) The ticket issued shall constitute *prima facie* evidence that the offense stated was committed.

15-11-7: UNCLAIMED VEHICLES

A. Any motor vehicle that is not claimed within thirty (30) days after the expiration of the time in which the owner of record may seek judicial review of the action of the Village under this Article, or the time at which a final judgment is rendered in favor of the Village by a Court, or the time at which a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an abandoned or unclaimed vehicle, as otherwise provided by law.

B. If the penalty and towing and storage costs are not paid within eighty (80) days after a penalty is imposed pursuant to this Article, the vehicle shall be deemed to be abandoned and may be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles, unless a petition for judicial review is filed with a court of proper jurisdiction. Where a petition for judicial review of the hearing officer's determination is filed and pending in a court of proper jurisdiction, the vehicle shall not be deemed to be abandoned and shall not be sold. If the petition for judicial review is resolved in favor of the Village, the vehicle shall be deemed abandoned and may be disposed of by the Village if the penalty and towing and storage costs are not paid within thirty (30) days after the date of the Court's order.

15-11-8: LIABILITY FOR PENALTY AND COSTS:

A. The owner of record of a motor vehicle, who is found to be in violation of this Article, shall be liable to the Village in amount equal to Five Hundred Dollars ($500.00) in addition to any fees for the towing and storage of the motor vehicle, if applicable.

B. Fees for towing and storage are established by the towing company, and not by the Village, except where the motor vehicle is stored on Village property, in which case the storage cost will be established by the Mayor or the Chief of Police.

C. A vehicle impounded pursuant to this Article shall remain impounded until the earlier of the following occurs:

(1) The penalty is paid to the Village, and all towing and storage costs are paid to the towing company; and

(2) bond in amount equal to the liability of the Owner as herein provided in Paragraph A above is posted with the Village and all applicable towing and storage costs are paid to the towing company; and

(3) the vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles.

(4) Except as otherwise specifically provided by law, no owner, lien holder, or any other person shall be legally entitled to take possession of a motor vehicle impounded under this Article until the penalty and all towing and storage costs applicable under this Article have been paid in full.