

CHAPTER 72: PARKING REGULATIONS

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GENERAL PROVISIONS

§ 72.01 AUTHORITY TO POST SIGNS.

Unless otherwise directed by the Board of Trustees, the Police Department is authorized and directed to mark the area within which parking is prohibited under this chapter, and to post signs in conspicuous places at such area notifying the public that parking within the area is prohibited. ('79 Code, § 74.01) (Ord. 817, passed 3-5-73)

§ 72.02 PARKING PROHIBITIONS.

It shall be unlawful for the operator of any motor vehicle to stop, stand, or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic sign or signal:

- (A) In a crosswalk;
- (B) Within 20 feet of a street corner, as indicated by yellow painted curbs;
- (C) Within 15 feet of a fire hydrant;
- (D) At any place where the standing of any vehicle will block the use of any driveway;
- (E) On any sidewalk;

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(F) At any place where official traffic signs have been erected prohibiting stopping, standing, or parking;

(G) On any bridge or viaduct, or any subway or tunnel or the approach thereto;

(H) Between a safety zone and the adjacent curb or within 30 feet of a point of the curb immediately opposite the end of a safety zone;

(I) Within 30 feet of a traffic signal, beacon, or sign on the approaching side;

(J) Within 20 feet of the driveway entrance to any Fire Department station and on the side of the street opposite the entrance to any such station within 75 feet of such entrance, when properly signposted.

('79 Code, § 74.02) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.03 PARKING AFTER A SNOWSTORM; FAILURE TO COMPLY.

(A) It shall be unlawful to park or leave a vehicle on any public street in the municipality at any time within 12 hours after a snowfall of three inches or more has occurred, unless the snow has been plowed off or to the side of the street; however, a vehicle may park for a period of not more than ten minutes to load or unload passengers or for not more than 30 minutes to load or unload freight or property.

(B) In addition to the penalties heretofore provided for, the Chief of Police shall cause to have removed or towed at the owner's expense to the nearest public garage any vehicle standing or parked contrary to the provisions of this chapter.

('79 Code, § 74.03) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.04 PARALLEL AND ANGLE PARKING.

No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets. It shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line, except that on those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

('79 Code, § 74.04) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.05 DISPLAY OF VEHICLE; PEDDLING MERCHANDISE FROM VEHICLE.

It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle on any business street for the purpose of peddling merchandise.

('79 Code, § 74.05) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.06 DAMAGE TO PROPERTY.

No person shall intentionally, knowingly, or recklessly, while operating or causing to be operated, parking or causing to be parked, any motor vehicle in any improper manner, cause damage or injury to any public building, sewer, water pipe, hydrant, or any tree, grass, shrub, or walk in any public way or public park, or any pavement, side, or crosswalk, or any part thereof, or any municipal property.

('79 Code, § 74.06) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.07 PARKING PROHIBITIONS AS TO TRUCKS AND TOW TRUCKS IN RESIDENTIAL AREAS.

It shall be unlawful to park any motor vehicle, or part thereof, licensed as being greater than a Class B, Second Division Vehicle, as defined by ILCS Ch. 625, Act 5, § 1-217 and any tow truck, as defined by ILCS Ch. 625, Act 5, § 1-205.1 on any public street, road, highway, parking lot or any private driveway, parking lot or access way located within a residential zoning district within the boundaries of the village. It shall not be a violation of this section to park such a vehicle not in excess of two hours for the purposes of loading or unloading of goods or freight or, concerning tow trucks, for the performing of emergency services to, or the transporting of disabled motor vehicles. Additionally, it shall not be a violation of this section to park any such vehicle for the purpose of performing emergency repair or maintenance work on any public utility facility, sewer mains and appurtenances thereto, or on any street, road, or public or private property requiring such emergency repair or maintenance work, or for the purpose of saving life, limb, or property, fighting fire, or in conjunction with agricultural and farming operations.

('79 Code, § 74.07) (Ord. 1488, passed 12-16-91) Penalty, see § 72.99

§ 72.08 FORTY-EIGHT HOUR PARKING LIMIT.

(A) No vehicle of any kind shall be parked at any one place in a street for more than 48 consecutive hours.

(B) No vendor's vehicle shall be parked at any one time in a street for more than ten minutes.

('79 Code, § 74.08) (Ord. 739, passed 9-1-70) Penalty, see § 72.99

§ 72.09 PARKING IN AN ALLEY.

No person shall park any vehicle within an alley; provided it shall not be a violation of this section to park a vehicle within an alley for a period not in excess of two consecutive hours for the purpose of loading or unloading goods or freight or of performing emergency repairs or maintenance work on any public utility facility, sewer mains and the appurtenances thereto, water mains and the appurtenances thereto, or on any street, road, or public property requiring such emergency repair or maintenance work, or for the purpose of saving life, limb, or property, or fighting fire.
(’79 Code, § 74.09) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.10 PARKING BETWEEN 7:00 A.M. AND 6:00 P.M.

It shall be unlawful for the operator of any motor vehicle to park said vehicle on any street or thoroughfare within the municipality for a period of time longer than one hour between the hours of 7:00 a.m. and 6:00 p.m.
(’79 Code, § 74.10) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.11 CABSTANDS AND BUS LOADING ZONES.

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cabstand, and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.
(’79 Code, § 74.11) (Ord. 817, passed 3-5-73) Penalty, see § 72.99

§ 72.12 RECOGNITION OF TOWNSHIP IDENTIFICATION CARD.

Any language referencing ILCS Ch. 625, Act 5, §§ 3-609 or 3-616, shall also include “Registration Identification Card issued by participating township governments.”
(’79 Code, § 74.12) (Ord. 1001, passed 4-16-79)

§ 72.13 PARKING ZONE RESTRICTION FOR PERSONS WITH DISABILITIES.

(A) It shall be unlawful for any person, except a person with disabilities or a person transporting a person with disabilities, to park a motor vehicle in any public parking lot area posted “no parking except persons with disabilities,” or bearing the international symbol indicating a parking restriction for persons with disabilities.

(B) It shall be unlawful to deposit upon private or public parking spaces posted “no parking except persons with disabilities” or bearing the international symbol indicating a parking restriction

for persons

with disabilities, any snow or ice which accumulated upon and is removed from adjacent private or public property.

('79 Code, § 74.13) (Ord. 1001, passed 4-16-79; Am. Ord. 1337, passed 10-5-87) Penalty, see § 72.99

TOWING OF VEHICLES

§ 72.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined herein shall have the meaning ascribed to it in other ordinances of this municipality, and if not defined in any other municipal ordinances, it shall have the meaning ascribed in ILCS Ch. 625, Act 5.

ABANDONED VEHICLE.

(1) A vehicle parked or otherwise located on a public way, in such a state of disrepair that it is incapable of being driven; or that has been unmoved for a period of at least 24 hours and from its condition, the period during which it has not been moved, or some other circumstances appears to have been, and will be presumed to have been, abandoned by its owner; or

(2) Vehicles parked in a public parking lot or on private property without the consent of the lot owner, proprietor, or agent of the property, which person has requested that the vehicle be towed; or

(3) A vehicle defined as abandoned, or capable of being towed, by any other ordinances of the municipality, which does not fall into the categories of hazardous or unlawful vehicles, and therefore is not subject to an immediate tow.

HAZARDOUS VEHICLE.

(1) A vehicle that has been involved in an accident and is disabled or cannot be immediately moved by the owner or operator of the vehicle; or

(2) A vehicle that presents an immediate danger to the health or welfare of the members of the public; or

(3) A vehicle abandoned or disabled on a public street, way, or alley that is impeding the orderly flow of traffic or poses a potential danger to pedestrians and other operators of vehicles; or

(4) A vehicle that must be moved to allow for proper municipal snow removal from a public street, way, or alley.

OWNER. A person who holds legal title to the vehicle, or the right of possession of the vehicle.

UNLAWFUL VEHICLE.

(1) A vehicle that has been reported stolen or is the subject of a search and seizure by the Police Department; or

(2) A vehicle parked in violation of state statutes or ordinances of the municipality which prohibit parking at the location in question or for the period of time for which the vehicle has been parked, and where either the statute or the ordinance authorize the vehicle to be towed, and the signs posted at the general location note that fact.

VEHICLE. Any device in, upon, or by which any person or property is or may be transported or drawn upon a street, highway, or any public way, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles.
(‘79 Code, § 83.01) (Ord. 1253, passed 6-3-85)

§ 72.26 AUTHORIZATION FOR TOWING.

(A) *Generally.* The towing of vehicles by the municipality, or by its approved towing service operators on behalf of the municipality, shall be authorized only by the Police Department and only under the circumstances herein provided. Towed vehicles shall be impounded at facilities designated by the Police Department until lawfully claimed or disposed of pursuant to ILCS Ch. 625, Act 5.

(B) *Towing without notice; immediate tows.* Hazardous or unlawful vehicles may be towed without prior notice; except that, when an unlawful vehicle is one that has been reported as stolen and is not towable for some other specific reason, the owner should be, when practicable, notified by telephone or other means and given the opportunity to claim or move the vehicle, if he/she so wishes, to avoid incurring the expenses of a police-ordered tow. However, the vehicle may be towed if the owner permitted the tow to be made when the vehicle was reported stolen or at any time thereafter, in the form provided in § 72.34 of this chapter. Within 24 hours after towing a vehicle pursuant to this chapter, a notice shall be sent to or personally delivered to the owner of the vehicle affording the opportunity for a hearing as provided in §§ 72.29 and 72.30 of this chapter.

(C) *Towing with prior notice; abandoned vehicles.* Abandoned vehicles may be towed after the mailing or delivery of prior notice and the affording of an opportunity for a hearing as provided in §§ 72.27 and 72.28 of this chapter.
(‘79 Code, § 83.02) (Ord. 1253, passed 6-3-85)

§ 72.27 PRE-TOW NOTICE FOR ABANDONED VEHICLES.

(A) Notice pursuant to this section shall be personally delivered to the owner or shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the vehicle as indicated in the most current registration list of the Secretary of State. The notice shall be in the form provided in § 72.32. In the event that an out-of-state vehicle is proposed to be towed, inquiry by computer, telephone, or letter shall be made of the Secretary of State of the particular jurisdiction for the furnishing of the most current registered name and address of the owner of the vehicle, and notice shall be mailed as provided herein to the address furnished, though in no case will the municipality be required to delay towing more than seven days after the date of the mailing or personal delivery of the notice if no request for a hearing has been received within that seven-day period.

(B) A notice of intent to tow sticker with the earliest date upon which the tow may take place and the address and phone number of the Police Department shall be placed on the vehicle. ('79 Code, § 83.03) (Ord. 1253, passed 6-3-85)

§ 72.28 PRE-TOW HEARING PROCEDURES.

(A) *Opportunity for hearing.* The owner or person entitled to possession of a vehicle to be towed as an abandoned vehicle shall have seven days after the date of mailing or personal delivery of the notice to request, in writing, a pre-tow hearing. Subsequent to this seven-day period, the vehicle may be towed, if the owner has not filed a written hearing request within the seven-day period, and any hearing rights under the provisions of this subchapter will be deemed waived.

(B) *Scheduling of pre-tow hearings.* The pre-tow hearing shall be scheduled for a date within 14 days of the mailing or personal delivery of the pre-tow notice. The municipality shall not be required to delay towing longer than the 14-day period.

(C) *Request for pre-tow hearings.* Requests for a pre-tow hearing are to be made in person to the office indicated on the notice. Requests for hearing by persons who reside more than 50 miles from the municipality may be made by mail. Forms for such requests shall be made available at the Police Department. At the time of making the request, the owner will be provided a hearing date and time by mail or in person, as the circumstances require.

(D) *Appointment of hearing officer.* The municipality shall choose an officer or employee of the municipality to serve as hearing officer. In no case shall that hearing officer be an individual who was involved in the initial decision to tow the vehicle. The hearing officer shall have the authority to require the presence of the enforcement officer who initiated the proposed tow or any other municipal personnel.

(E) *Nature of hearing.* The hearing shall be informal in nature, and the rules of evidence shall

not apply. The hearing will not be determinative of, or adjudicate, any citation relative to any vehicle. After receiving all relevant evidence, the hearing officer shall make a written decision based upon a

preponderance of the evidence as to whether towing of the vehicle is authorized by the laws of the state or the ordinances of the municipality, with a specific statutory or ordinance section cited in the decision. The owner shall be provided a copy of the pre-tow hearing decision.

(F) *Decision to tow and rates to be charged.* If the preponderance of the evidence supports towing and compliance with the provisions of this subchapter, the hearing officer shall direct that the vehicle be towed, with any towing and storage costs to then be imposed upon the owner. The fees to be charged for towing and storage services shall be no more than the maximum rates set by the Chief of Police pursuant to the provisions of § 72.29 of this chapter. The owner of the vehicle having had such a hearing may avoid the towing by immediately removing the vehicle from the improper location to a proper, lawful location and correcting any unlawful condition of the vehicle.

(G) *Decision not to tow.* If the preponderance of the evidence fails to support towing of the vehicle, the hearing officer shall direct that the vehicle shall not be towed. The municipality shall furnish a copy of the decision to the owner, who may place it inside the vehicle in a location plainly visible from the outside, such as the dashboard or rear window. No vehicle about which such a decision has been rendered shall be towed by the municipality unless the circumstances under which the decision was rendered have changed. If at some subsequent time the municipality shall wish to tow the vehicle from the same location, it shall follow the same procedures required for the towing of any other similarly situated vehicle.

(H) *Reports and documents to be retained; contesting decisions.* Originals or copies of all notices, pre-tow hearing decisions, towing reports, and any associated police reports or documents shall be retained by the Police Department for a period of at least five years after each hearing, or after each tow if no hearing was requested or held. The municipality or the owner may contest the decision of the hearing officer in any manner provided by law.
(‘79 Code, § 83.04) (Ord. 1253, passed 6-3-85)

§ 72.29 POST-TOW NOTICE FOR HAZARDOUS AND UNLAWFUL VEHICLES.

(A) *Notice.* Notice pursuant to this section shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the vehicle as indicated in the most current registration list of the Secretary of State, unless the notice is personally delivered to the owner, in which case, the date and time of the delivery and the name of the police officer making the delivery shall be noted in the Police Department records or reports. The notice shall be on the forms provided in § 72.31, and shall be mailed or delivered within 24 hours of the tow, as provided in § 72.26(B). In the event that the municipality has towed an out-of-state hazardous or unlawful vehicle, inquiry by computer, telephone, or letter shall be made of the Secretary of State of the particular jurisdiction for the furnishing of the most current registered name and address of the owner of the vehicle, and notice shall be mailed as provided herein to the address furnished.

(B) *Posting of signs showing hearing rights.* All approved towing service operators shall prominently post at least one sign, with dimensions of at least 12 inches by 18 inches, indicating the opportunity and procedures for a hearing to contest the validity of a towed vehicle. The sign, the form for which is set out in § 72.31(A), shall be placed in locations readily visible to the public transacting business at any towing facility. If a towing service operator performs services for more than one municipality, the information for contacting the various appropriate municipal offices can be listed in one such sign, the format for which shall be substantially similar to the form set out in § 72.31(A).

(C) *Requests for post-tow hearings.* Requests for hearings may be made in person at the office indicated on the notice within 15 days of the mailing or personal delivery of the notification of tow, or release of the vehicle, whichever occurs first; otherwise, the right to a hearing shall be deemed waived. Requests for hearings by persons who reside more than 50 miles from the municipality may be made in person or by mail received by the municipality within the 15-day period.

(D) *Release of motor vehicles.* Before the owner or person entitled to possession of any impounded vehicle shall be permitted to remove the vehicle, the owner or other person entitled to possession shall furnish evidence of his/her identity, ownership of the vehicle, or his/her right to possession, sign a receipt for the vehicle, and pay the amount currently owed for towing and storage fees to the towing service operator. The Chief of Police is authorized to promulgate regulations as to the documents or other proof necessary to establish these facts.

(E) *Establishment of maximum towing and storage rates.* The owner shall pay fees to the towing service operator for towing and storage on police-ordered tows at rates that do not exceed maximum amounts to be administratively established by the Chief of Police and which may be revised from time to time. The basic rates for such fees shall be shown in the form and sign concerning vehicle release requirements set forth in § 72.31(A). However, nothing in this chapter is intended to prevent a competitive towing service operator from charging less than the established maximum rates for police-ordered or any other tows. In arriving at the maximum rates for various services, the Chief of Police shall consider such matters as the prevalent market rates in the area for the different types of vehicles, the types of storage and area requirements for categories such as large trucks and commercial vehicles, and the relative difficulties and amount of work required to perform various types of towing operations. For particularly difficult or unusual towing jobs, such as large or serious accidents, the Chief of Police is authorized to allow towing operators to charge rates above those established for normal situations. All special charges must be based upon the cost of services provided, taking into account such matters as the man-hours and equipment time required for the job. A towing service operator must fully itemize in writing the details of such a billing at special rates for a particularly difficult or unusual tow, and supply a copy of the itemized bill to the owner and to the Police Department. Any special rates charged must be customary in the towing industry in the area for the nature and extent of the services provided. Every towing service operator and the Police Department shall have available a copy of the complete current rate schedule and any special rate policy established by the Chief of Police, for vehicle owners to view upon request.
('79 Code, § 83.05) (Ord. 1253, passed 6-3-85)

§ 72.30 POST-TOW HEARING PROCEDURES.

(A) *Opportunity for hearing.* The owner of a vehicle towed as an immediate tow, by or pursuant to the authority of the Police Department as set forth herein, shall be provided the opportunity for a post-tow hearing to determine the validity of the tow and any towing or storage charges. The hearing will not be determinative of, or adjudicate, any citation issued relative to any towed vehicle.

(B) *Nature of the hearing and hearing officer.* The nature of the hearing and the appointment of the hearing officer shall be the same as set forth above in § 72.28.

(C) *Scheduling of post-tow hearings.* Hearings shall take place as follows:

(1) In those instances where the vehicle has been released upon the deposit of the full payment currently owed for towing and storage charges, and the owner has properly requested a hearing, the hearing shall take place within 15 days after the release of the vehicle, unless the owner requests a later date convenient to all parties.

(2) In those instances where the vehicle remains impounded, the hearing shall take place at the option of the owner:

(a) On the next day after an owner's demand for a hearing, excluding Saturdays, Sundays, and holidays; if the demand is made after 3:00 p.m., or if the unavailability of a necessary witness or evidence creates a particular difficulty in conducting the hearing on the next calendar day, then a hearing shall be held on the second day following the request, excluding Saturdays, Sundays, and holidays; or

(b) If acceptable to the owner, within 15 days of the request on a date convenient to all parties.

(D) *Conduct of post-tow hearings.* The hearing officer shall review all evidence presented by the vehicle owner and the Police Department or other municipal employees, and shall make a finding based upon the preponderance of the evidence presented, as to the lawful authority for the towing and storage of the vehicle. The municipality must establish such authority by a preponderance of the evidence.

(E) *Post-tow hearing decision.* For each hearing, the hearing officer shall complete a post-tow hearing decision and attach the decision to the Police Department's original vehicle towing report, and supply a copy of the decision to the owner by personal delivery if the owner is present, otherwise by mail. The decision and findings shall be substantially as stated in the form for the post-tow hearing decision, set forth in § 72.33 of this chapter.

(F) *Reports and documents to be retained; contesting decisions.* All originals or copies of the

notice, post-tow hearing decisions, towing reports, and any associated police reports or documents shall be retained by the Police Department for a period of at least five years after each hearing, or after each

tow if no hearing was requested or held. The municipality or the owner may contest the decision of the hearing officer in any manner provided by law.

(G) *Towing services subject to ordinance.* Notwithstanding any other ordinance or statutory provisions to the contrary, any towing service operator authorized to perform tows on behalf of the municipality must perform its services subject to the provisions of this subchapter. However, the towing company shall have the right to recover the reasonable value of its services for police-ordered tows, which are not paid by the vehicle owner, from the municipality. However, if a tow or the charge for a tow is found by a court to be illegal and the towing service operator is required to return the charge for the tow to the owner of the vehicle, the municipality shall not be liable to reimburse the operator for the towing charges.

('79 Code, § 83.06) (Ord. 1253, passed 6-3-85)

§ 72.31 FORM FOR POST-TOW NOTICE AND SIGNS.

(A) The following form shall be utilized in the administration of §§ 72.29 and 72.30 of this chapter for posting in towing establishments and mailing or delivering to owners:

NOTICE OF VEHICLE RELEASE REQUIREMENTS AND HEARING RIGHTS

Before the Owner or person entitled to possession of any impounded vehicle shall be permitted to remove the same from custody of the Police Department or towing service operator, he/she shall furnish evidence of his/her identity and ownership of the vehicle and right of possession thereto, and shall sign a receipt for the vehicle, and shall pay a fee not exceeding \$ for a passenger vehicle of not more than 7 passengers, and \$__ for a truck or commercial vehicle to cover the cost of towing or removal to a vehicle pound or authorized garage, and in addition thereto, the cost of storage not exceeding \$__ per day for a passenger vehicle of not more than 7 passengers, and \$__ per day for a truck or commercial vehicle. However, higher fees may necessarily be charged in particularly difficult or unusual towing or storage circumstances, for which rate information is available upon a request at the Police Department or towing business location. If the Owner or person entitled to possession wishes to contest the validity of the tow, he/she may obtain a hearing under the conditions of either Paragraph (A) or (B) stated below:

TO OBTAIN HEARING

(A) If the vehicle has been released, he/she may, within 15 days of the release of the vehicle or the mailing or personal delivery to him/her of the notification of the tow, whichever occurs first, request a hearing by contacting in person the office of (Name of office, address and phone number) . Anyone residing more than 50 miles away from the municipality may make a request for hearing by mail. The right to any hearing will be deemed waived unless a written request for hearing is received by the above office within the applicable 15-day period.

(B) If the vehicle is still impounded, he/she may contact the above office and obtain a hearing within the next day after the request, excluding Saturdays, Sundays and Holidays, unless the request is made after 3:00 p.m., or unless there are particular difficulties in having the hearing on the next day, in which case the hearing will take place on the second day thereafter, excluding weekends and Holidays.

NATURE OF HEARING

The hearing shall be conducted according to municipal ordinance provisions, and shall determine the validity of the impounding of the vehicle and the imposition or refund of any towing or storage charges, but the hearing will not determine or adjudicate any citations issued. If the Hearing Officer sustains the validity of the tow and storage, the Owner or person entitled to possession will be required to pay all unpaid towing and storage fees before obtaining the release of the vehicle.

(B) The following form shall be utilized in the administration of §§ 72.29 and 72.30 for the mailing or delivery of post-tow notice to owners, including the form set forth in division (A) above:

Post-Tow Incident Report
No.

TO: (Name)

(Address)

Date of Certified or Registered Mailing:

or

Date and Time of and Name of Person Making Personal Delivery:

POST-TOW NOTICE

You are listed as the Registered Owner or person entitled to possession of the following-described vehicle: (make) (model/year) (other identifying features) (license plate number and State) which is impounded at: (name and address of towing service operator or municipal auto pound).

The vehicle was towed from (location) on (date) by the authority of (the municipality of name of municipality) , as an unlawful or hazardous vehicle, to wit: (facts forming basis of tow) as defined in (ordinance or statutory section) .

The towing was authorized by (ordinance or statutory section) which provides that:

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You have the rights and payment obligations as set forth in the enclosed Notice of Vehicle Release Requirements and Hearing Rights.
('79 Code, § 83.07) (Ord. 1253, passed 6-3-85)

§ 72.32 FORM FOR PRE-TOW NOTICE.

The following form shall be utilized in the administration of §§ 72.27 and 72.28 for the mailing or delivery of pre-tow notices to owners:

Post-Tow Incident

Report No.

TO: (Name)(Address)

Date of Certified or Registered Mailing:

or

Date and Time of and Name of Person Making Personal Delivery:

PRE-TOW NOTICE

You are listed as the registered Owner or person entitled to possession of the following described vehicle: (make) (model/year) (other identifying features) (license plate number and State) which is located at (location) in an apparently abandoned or unusable condition, to wit: (facts forming basis of proposed tow) as defined in (ordinance or statutory section).

The municipality of (name of municipality) will tow the vehicle or cause it to be towed after 7 days from the above date of mailing or personal delivery unless you move the vehicle to a lawful location or request a hearing as set forth below. Any such hearing will only concern the proposed towing, and will not be determinative of or adjudicate any parking ticket or other citation concerning the vehicle. If the vehicle is towed, you will be required to pay all towing and storage charges before the vehicle is released.

The towing is authorized by (ordinance or statutory section) which provides that:

If you wish to request a hearing on the legality of the present location and condition of your vehicle, you must contact the office listed below and file in person a request for such hearing within 7 days of the above date of mailing or personal delivery, unless you live more than 50 miles from the municipality, in which case you may mail a request for hearing that must be received by the office listed below within 7 days from the mailing or personal delivery of this

Notice.

(name of office, address and phone number)
('79 Code, § 83.08) (Ord. 1253, passed 6-3-85)

§ 72.33 FORM FOR POST-TOW HEARING.

The following form shall be utilized by the hearing officer for post-tow hearing decisions as required in § 72.30:

Post-Tow Incident Report No.

POST-TOW HEARING DECISION

Following a hearing held after the towing of the vehicle as identified in Post-Tow Notice bearing the same number as the Report Number stated above concerning the vehicle owned by or under the control of (name of Owner) (“Owner”), the following findings and order are hereby entered, as checked in the appropriate box and entered on the appropriate lines:

Amount Previously Paid by Owner for Towing and Storage: \$

1. Tow Authorized; Owner Responsible for All Charges. The towing and storage of the vehicle was authorized by the following law of the State of Illinois: ; or Municipal Ordinance No. , and the Owner is liable for the full amount of towing and storage fees incurred to date, in the amount of: \$

2. Tow Not Authorized. There was no authorization in law for the towing and storage, or the municipal employee causing the vehicle to be towed did not comply with the requirements of the applicable statute or ordinance, as follows: The Owner will not be charged for towing and storage and any amount previously paid will be refunded by the municipality as shown here: \$

3. Tow Authorized: Storage Partially Reimbursable. The towing of the vehicle was authorized by State Law: or Municipal Ordinance No. but the Owner was caused to incur additional improper storage charges because of improperly late notification of towing or other reasons for which the municipality or towing company are responsible, as follows:

Storage Amount to be Excused or Reimbursed to Owner: \$

Towing and Storage Balance for Which Owner is Responsible: \$

4. Owner Failed to Appear; No Continuance Requested. This finding constitutes a default against the Owner on the matters stated in the Post-Tow Notice. The Owner is responsible for all towing and storage charges incurred to date, in the amount of: \$

After making the appropriate computations with the amounts stated above in the right-hand column for any Amount Previously Paid by Owner, and adding or subtracting the appropriate

amounts listed under Paragraphs 1, 2, 3 or 4, the final amount either owed by the Owner to date or to be refunded to the Owner IS HEREBY ORDERED AS FOLLOWS:

Amount Currently Owed by Owner: \$

or

Amount to be Refunded to Owner: \$

IMPORTANT FURTHER INFORMATION

If the vehicle is presently still impounded, an order for the release of the vehicle is attached to this Decision. The owner must take possession of the vehicle within 24 hours of the entry of this Decision, or he/she may be responsible for further storage charges.

ENTERED: (date and time)

SIGNATURE:

Hearing Officer

Star Number

('79 Code, § 83.09) (Ord. 1253, passed 6-3-85)

§ 72.34 FORM FOR OWNER'S PERMISSION TO TOW STOLEN VEHICLES.

The following form shall be used by police officers when obtaining permission from vehicle owners to tow stolen vehicles that are recovered:

PERMISSION TO TOW STOLEN VEHICLE FORM

I, (Name of Owner) am the owner of a motor vehicle which I have reported to the Police Department as having been stolen. The vehicle is described as follows: (Description of the vehicle) I understand that the Police Department may transmit notice of this vehicle theft to other police agencies which may attempt to recover the vehicle. I understand that if the vehicle is recovered, I have the option of requesting that the vehicle be towed to a vehicle pound location or left at the place where the vehicle has been found. While not requiring the law enforcement agency which finds the vehicle to do so, I do hereby grant my permission to have the vehicle towed, understand that if the vehicle is towed, I will be required to pay reasonable towing and storage charges.

DATED: , 20

Owner of Vehicle

('79 Code, § 83.10) (Ord. 1253, passed 6-3-85)

ADMINISTRATIVE ADJUDICATION

§ 72.45 PURPOSE.

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

(Ord. 1527, passed 4-6-93)

§ 72.46 ADMINISTRATIVE COMPOSITION.

(A) The system of administrative adjudication of vehicular standing and parking regulation violation(s) shall be composed of a Parking Administrator, Hearing Officer, Computer Operator/System Coordinator and Hearing Room Personnel (Deputy), with the power, authority and limitations as are hereinafter set forth:

(1) *Parking Administrator duties.* He/she shall be empowered and is hereby authorized and directed to:

(a) Operate and manage the system of administrative adjudication of vehicular standing and parking regulation violation(s).

(b) Adopt, distribute and process parking violation notices and other notices as may be required under this subchapter or as may be reasonably required to carry out the purpose of this subchapter.

(c) Collect moneys paid as fines and/or penalties assessed after a final determination of vehicular standing or parking regulation violation(s) liability.

(d) 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.

(e) Certify copies of final determination(s) of standing and/or parking regulation violation(s) liability and factual report(s) verifying the final determination of standing and/or parking regulation violation(s) liability was issued in accordance with this subchapter and ILCS Ch. 625, Act 5, § 11-208.3.

(f) Certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provision of this subchapter, hereinafter set forth, and those of ILCS Ch. 625, Act 5, § 6-306.5.

(g) Review final determination(s) of vehicular standing and/or parking regulation violation(s) liability, validity of notices of impending impoundment or validity of notice of impending drivers license suspension, in an administrative review capacity in accordance with the provisions of this subchapter, hereinafter set forth.

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

(i) Collect unpaid fines and penalties by filing complaints in the Circuit Court or selecting or appointing an individual or agency to act on behalf of this municipality in filing complaints seeking judgments for unpaid fines or penalties and pursuit of all post-judgment remedies available by current law.

(j) To select or appoint an individual, agency or firm to tow and impound vehicles in accordance with the provisions of this subchapter, hereinafter set forth.

(2) *Hearing Officer duties.* He/she shall be empowered and is hereby authorized and directed to:

(a) Preside over the administrative hearings, established herein, as the adjudicator.

(b) Administer oaths.

(c) Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.

(d) Assess fines and penalties for the violation of vehicular standing and/or parking regulation violation(s) as are established hereof.

(e) In accordance with the provisions of this subchapter, hereinafter set forth, make final determination of:

1. Vehicular standing and/or parking regulation violation(s) liability.

2. Validity of notice of impending impoundment.

3. Validity of notice of impending driver's license suspension.

(f) Provide for the accurate recordation of the administrative adjudication hearing(s).

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

- (a) Input of violation notice information.
- (b) Court date(s) and notice dates.
- (c) Fine and penalty assessments and payment(s).
- (d) Issue payment receipts.

(e) Issue succeeding notices of court dates and/or final determination of liability, notice of impending impoundment or notice of impending driver's license suspension, as directed by the Parking Administrator in accordance with the provisions hereinafter set forth.

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

(4) *Hearing room personnel duties.* He/she is hereby authorized and directed to:

- (a) Maintain hearing room decorum.
- (b) Have and execute authority as is granted to courtroom deputies of the Circuit Court.

(c) Perform such other duties or acts as may be reasonably be required and as directed by the Hearing Officer or Parking Administrator.

(d) This position is limited to off-duty, full-time, part-time or auxiliary police officers.

(B) *Appointments.* The Village President is hereby authorized to appoint persons to hold the positions above set forth. One person may hold and fulfill the requirements of one or more of the above stated positions.

(C) *Compensation.* Compensation to be paid for each of the above stated positions shall be as determined by the Village President and approved by the Board of Trustees.
(Ord. 1527, passed 4-6-93)

§ 72.47 PROCEDURE.

(A) The systems of administrative adjudication of vehicular standing or parking regulation

violation(s) shall be in accordance with the following procedures and final determination(s) of vehicular

standing or parking regulation violation(s) liability, validity of notice of impending impoundment, validity of notice of impending driver's license suspension, impoundment, validity of notice of impending driver's license suspension, impoundment of vehicle and collections shall be made only in accordance with the provisions set forth below:

(B) (1) *Violation notice.* Vehicular standing or parking regulation violation(s) (violation notice) shall be issued by the person(s) authorized herein and shall contain information and shall be served, certificated and have evidentiary admissibility as is hereinafter set forth.

(2) *Authorization.* All full-time, part-time, and auxiliary police officers as well as other specifically appointed individuals shall have the authority to issue vehicular standing or parking regulation violation(s) notices.

(3) *Detection of violations.* Any individual authorized hereby to issue vehicular standing or parking regulation violation(s) notices and who detects a violation of any section of any municipal ordinance restricting, regulating or prohibiting the standing or parking of motor vehicles, shall issue a notice of violation thereof and shall make service thereof as is hereinafter set forth.

(4) *Format of notices.* The vehicular standing or parking regulation violation(s) notice(s) shall contain, but shall not be limited to, the following information:

- (a) The date, time and place of the violation (date of issuance).
- (b) The particular vehicular standing or parking regulation violated.
- (c) Vehicle make and state registration number.
- (d) The fine and any penalty which may be assessed for late payment.
- (e) The signature and identification number of the person issuing the notice.

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

1. Checking or placing a mark in the space provided and clearly identified, "Request for Hearing."
2. Placing his/her name and current address in the place provided.
3. Signing his/her name in the appropriate indicated place.

4. Filing the violation notice with the “Request for Hearing” portion fully completed; with the Parking Administrator within, but not later than, 14 days of the date of issuance of the violation notice. The request shall be deemed filed upon receipt by the Parking Administrator.

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

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

(i) A section entitled, “Non-Resident Request for Hearing - Non-Appearance,” which clearly sets forth that a non-resident registered owner, operator or lessee may have a hearing to contest the validity of the violation notice without personally appearing by:

1. Checking or placing a mark in a space provided and clearly identified, “Non-Resident Request for Hearing - Non-appearance.”

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

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

4. Filing the violation notice with the non-resident request for hearing portion fully completed, with the Parking Administrator within, but not later than 14 days of the date of issuance of the violation notice. The request shall be deemed filed upon receipt by the Parking Administrator.

5. Filing a notarized a statement of facts, specifying the grounds for challenging the violation notice which must be filed, with the Parking Administrator no later than five days prior to the hearing date specified on the violation notice.

6. A clearly marked statement that execution of the non-resident request for hearing is a waiver of the non-resident's right to a personal appearance and that the adjudication will be made based upon the notarized statement of facts submitted by the non-resident and the facts contained in the violation(s) notice(s).

(5) *Service.* Service of the vehicular standing or parking regulation violation(s) notice(s) shall be made by the person issuing such notice by:

(a) Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle; or

(b) Handing the notice to the registered owner, operator or lessee of the vehicle, if present.

(6) *Certification of facts.* The correctness of facts contained in the vehicular standing or parking regulation violation(s) notice(s) shall be certified by the person issuing said notice by:

(a) Signing his/her name to the notice(s) at the time of issuance; or

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

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

(8) *Prima facia evidence of correctness.* Any vehicular standing or parking regulation violation(s) notices issued, signed and served in accordance therewith, or a copy of the notice, shall be prima facia correct and shall be prima facia evidence of the correctness of the facts shown on the notice.

(9) *Admissibility.* The vehicular standing or parking regulation violation(s) notice(s) shall be admissible in any subsequent administrative or legal proceeding.
(Ord. 1527, passed 4-6-93)

§ 72.48 ADMINISTRATIVE HEARINGS.

(A) *Opportunity for hearing.* An administrative hearing to adjudicate the alleged standing or parking regulation violation(s) on its merits, or to contest the validity of a notice of impending impoundment, or the validity of a notice of impending driver's license suspension:

(1) Shall be granted to the registered owner or operator of the "cited vehicle," pursuant to ILCS Ch. 625, Act 5, § 11-208.3, as well as to the lessee of the "cited vehicle," pursuant to ILCS Ch. 625, Act 5, § 11-1306, which is hereby incorporated herein by reference.

(2) Shall have as a hearing date the date, time and place set forth in the vehicular standing or parking regulation violation notice issued and served; the second notice issued in accordance with this subchapter; or as set by the Parking Administrator and served upon the registered owner, operator or lessee for hearings contesting the validity of notices of impending impoundment or driver's license suspension.

(3) Shall be recorded.

(4) 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. The Hearing Officer shall, upon a determination of liability, assess fines and penalties in accordance with this chapter.

(B) *Representation by attorney.* Persons appearing to contest the alleged standing or parking violation on its merits may be represented by counsel at their own expense.

(C) *Review.* The final determination of any matter which may be decided by the Hearing Officer may be reviewed as is hereinafter set forth.
(Ord. 1527, passed 4-6-93)

§ 72.49 ADDITIONAL NOTICES.

(A) Upon failure of the registered owner, operator or lessee of the “cited vehicle” to appear at the administrative hearing indicated in the vehicular standing or parking regulation violation(s) notice(s), or upon final determination of violation liability, the Parking 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 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.

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

(C) The additional notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:

(1) Upon the failure of the registered owner, operator or lessee of the “cited vehicle” to appear at the hearing set forth in the vehicular standing or parking regulation violation(s) notice(s) a second notice(s) shall be sent, as above set forth, and shall contain, but not be limited to the following information:

(a) Date and location of violation cited in the vehicular standing or parking regulation violation(s) notice(s).

(b) Particular standing or parking regulation violated.

(c) Vehicle make and state registration.

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

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

1. Checking or placing a mark in a space provided and clearly identified, "Request for Hearing."
2. Placing his/her name and current address in the place provided.
3. Signing his/her name in the appropriate indicated place.
4. Filing the violation notice with the "Request for Hearing" portion fully completed; with the Parking Administrator within, but not later than, 21 days of the date of issuance of the violation notice. The request shall be deemed filed upon receipt by the Parking Administrator.

(f) A section entitled "Non-Resident Request for Hearing - Non-Appearance," which clearly sets forth that a non-resident registered owner, operator or lessee may have a hearing to contest the validity of the violation notice without personally appearing by:

1. Checking or placing a mark in a space provided and clearly identified, "Non-Resident Request for Hearing - Non-Appearance."
2. Placing his/her name and current address in the place provided.
3. Signing his/her name in the appropriate indicated place.
4. Filing the violation notice with the non-resident request for hearing portion fully completed, with the Parking Administrator within, but not later than 21 days of the date of issuance of the violation notice. The request shall be deemed filed upon receipt by the Parking Administrator.

5. Notarizing a statement of facts specifying the grounds for challenging the violation notice must be filed, with the Parking Administrator, no later than five days prior to the hearing date specified on the violation notice.

6. A clearly marked statement that execution of the non-resident request for hearing - non-appearance, is a waiver of the non-resident's right to a personal appearance and that the adjudication will be made based upon the notarized statement of facts submitted by the non-resident and the facts contained in the violation(s) notice(s).

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

(h) Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of vehicle standing or parking regulation violation(s) liability for the “cited” violation in the amount of the fine and penalty indicated.

(i) Statement that upon the occurrence of a final determination of vehicular standing or parking violation(s) liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(2) A notice of final determination of vehicular standing or parking regulation violation(s) liability shall be sent following a final determination of vehicular standing or parking regulation violation(s) liability at the conclusion of administrative and/or judicial review, as is hereinafter set forth, and shall contain, but not be limited to, the following information and warnings:

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

(b) A warning that failure to pay the fine and any penalty due and owing the municipality within the time specified may result in the municipality's filing a complaint in the Circuit Court to have the unpaid fine or penalty rendered a judgment in accordance with ILCS Ch. 625, Act 5, § 11-208.3(f), incorporated herein by reference.

(c) A warning that the person's drivers license may be suspended for failure to pay fines and penalties for ten or more vehicular standing or parking violations under ILCS Ch. 625, Act 5, § 6-306.5, incorporated herein by reference.

(d) A warning that the vehicle owned by the person and located within the municipality maybe impounded for failure to pay fines or penalties for ten or more vehicular standing or parking regulation violations.

(3) A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten or more vehicular standing or parking regulation violation(s):

(a) The notice shall state that the failure to apply the fine or penalty owing within 45 days of the date of the notice will result in the municipality's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under ILCS Ch. 625, Act 5, § 6-306.5, incorporated herein by reference.

(b) The notice of impending driver's license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State.
(Ord. 1527, passed 4-6-93)

§ 72.50 FINAL DETERMINATION OF LIABILITY.

A final determination of vehicular standing or parking regulation violation(s) liability shall:

(A) Occur following the failure to pay the fine or penalty after the Hearing Officer's determination of vehicular standing or parking regulation violation(s) 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 administrative hearing to contest the alleged violation(s) on the date and time and place specified in a prior served or mailed notice, the Hearing Officer's determination of vehicular standing or parking regulation violation(s) liability shall become final:

(1) Upon denial of a timely petition to set aside that determination.

(2) Upon the expiration of the period for filing petition without a filing having been made.
(Ord. 1527, passed 4-6-93)

§ 72.51 ADMINISTRATIVE REVIEW.

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

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

(2) The Parking Administrator shall act upon the petition(s) timely filed and render a decision thereon within 14 days of the date filed.

(B) 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 owner or operator of the "cited vehicle" on the date the vehicular standing or parking regulation violation(s) notice(s) were issued.

(2) The person's having paid the fine or penalty prior to the determination of liability for the standing or parking violation(s) in question.

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

(C) Should the determination of liability be set aside, the Parking 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) Notice of setting aside of the determination of liability and the notice of the hearing date shall be by first class mail, postage prepaid to the address set forth on the petition to set aside the determination of liability.

(4) Service of the notice shall be complete on the date the notice(s) are deposited in the United States mail.
(Ord. 1527, passed 4-6-93)

§ 72.52 NON-RESIDENT PROCEDURES.

(A) Non-residents of this municipality who have been served vehicular standing or parking regulation violation(s) notice(s), in accordance with this subchapter, may contest the alleged violation on its merits, as could a resident, or may contest the validity without personally appearing at an administrative hearing by:

(1) Completing, in full, the “Non-Resident Request for Hearing” section of the violation notice, served upon him/her or the non-resident request for hearing of the second notice sent to him/her pursuant to this subchapter.

(2) Signing the non-resident request for hearing in the space specified in the violation notice or second notice, as the case may be, 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 violation notice.

(3) Filing the violation notice or second notice with the request for hearing section fully completed with the Parking Administrator within 14 days of the issue date of the violation notice or date of second notice. Filing of the request for hearing shall be deemed complete upon receipt by the Parking Administrator.

(4) Filing a notarized statement of facts specifying the grounds for challenging the violation notice not later than five days prior to the hearing date as specified in the violation notice or the second notice, as the case may be. The statement will be deemed filed upon receipt by the Parking Administrator.

(B) The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed by the non-resident as is contained in the violation notice.

(C) Notice of the determination of the Hearing Officer shall be served upon the non-resident by first class mail, postage prepaid, addressed to the non-resident at the address set forth in the statement of facts submitted.

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

(E) All other provisions of this subchapter shall apply equally to non-residents of this municipality.

(Ord. 1527, passed 4-6-93)

§ 72.53 IMMOBILIZATION/TOWING AND IMPOUNDMENT.

(A) Any motor vehicles whose registered owner has been determined to be liable for ten or more vehicular standing or parking regulation violation(s), for which the fines or penalties assessed remain unpaid, may be immobilized or towed and impounded if:

(1) The Parking Administrator has determined that a person has been determined to be liable for ten or more vehicular standing or parking regulation violation(s), the fines or penalties for which remain unpaid.

(2) The person determined to be liable for ten or more violations is the registered owner of a motor vehicle located within the municipality's geographical boundaries.

(3) A pre-towing notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the municipality which contains, but shall not be limited to the following:

(a) That a final determination has been made on ten or more vehicular standing or parking regulation violation(s), the fines and penalties for which remain unpaid.

(b) A listing of the violation(s) for which the person has been determined to be liable, which shall include for each violation:

1. The vehicular standing or parking regulation violation notice number.

2. Date of issuance.
3. Total amount of fine and penalty assessed.

(c) That the motor vehicles owned by the person and located within the municipality are subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within, but no later than, 14 days of the date of the notice.

(d) That the registered owner may contest the validity of the notice by fully completing and signing the request for hearing portion of one notice and by filing the request for hearing with the Parking Administrator within, but not later than, 14 days of the date of the notice. The request for hearing shall be deemed filed upon receipt by the Parking Administrator.

(4) The motor vehicle(s) of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for hearing has been filed with the Parking Administrator to contest the validity of the notice.

(5) Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the Parking Administrator shall schedule an administrative hearing to contest the validity of said notice on the next scheduled hearing date, but in no case shall the hearing be scheduled later than 30 days after the request for hearing is filed.

(a) The Parking Administrator shall serve notice of the hearing date upon the registered owner.

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

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

(B) The registered owner of a vehicle(s) immobilized or towed and impounded under this section shall have the right to a prompt administrative hearing without the requirement of payment of outstanding fines and penalties which final determination has been made.

(1) The Parking Administrator shall serve a post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:

- (a) Date of immobilization or towing and date of impoundment.
- (b) Location of vehicle.

(c) That the vehicle was immobilized under this section of this subchapter for non-payment of fines or penalties assessed for the violation of ten or more violation(s) of vehicular standing or parking regulation(s) for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.

(d) Date of notice of impending immobilization or towing and impoundment.

(e) That the registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the Parking Administrator within, but not later than, 14 days of the date of the notice which shall be deemed filed upon receipt by the Parking Administrator.

(2) Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the Parking Administrator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next schedule hearing date or if sooner scheduled by the Parking Administrator for good cause shown, but in no case shall the hearing be scheduled later than 30 days after the request for hearing is filed.

(a) The parking Administrator shall serve notice of the hearing date upon the registered owner.

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

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

(3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of ILCS Ch. 735, Act 5, § 3-101, incorporated herein by reference.

(C) A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his/her agent, upon payment of the fines and penalties due and owing the municipality as specified in the notice sent in accordance with subdivision (A)(3) hereof and the payment of towing charges and accrued daily impound charges or upon order of the Hearing Officer following hearing contesting the validity of the impoundment.

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

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

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

(3) The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section, a **SECURED AREA** shall mean an area bounded by a fence, chain link or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.
(Ord. 1527, passed 4-6-93)

§ 72.54 JUDICIAL REVIEW.

Judicial review of final determinations of vehicular standing or parking regulation violation(s) and final administrative discussions issued after hearing(s) regarding vehicle immobilization or towing and impoundment made under this section shall be subject to the provisions of the Administrative Law Review as is set forth in ILCS Ch. 735, Act 5, §§ 3-101 *et seq.*
(Ord. 1527, passed 4-6-93)

§ 72.55 DEBT TO MUNICIPALITY.

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provision of this subchapter and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this subchapter and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a standing or parking violation shall constitute a final disposition of that violation.
(Ord. 1527, passed 4-6-93)

§ 72.56 JUDGMENT.

(A) The Parking Administrator shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of parking violation, take all necessary action(s), execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect moneys from the person(s) who have been assessed fines or penalties which remain unpaid and have become a debt due and owing the municipality in accordance with the provision of this subchapter, and ILCS Ch. 625, Act 5, § 11-208.3, by:

(1) Filing a complaint in the Circuit Court praying for the entry of a judgment against the person for whom a final determination of standing or parking regulation violation(s) liability has been made.

(2) The complaint filed by the Parking Administrator or individual or agency on behalf of the municipality seeking entry of a judgment against an individual for unpaid fines and/or penalties

pursuant to a final determination of standing or parking regulation violation(s) shall have appended:

(a) A certified copy of the final determination of the standing or parking regulation violation(s).

(b) A certification that recites facts sufficient to show that the final determination of standing or parking regulation violation(s) was issued in accordance with this subchapter and ILCS Ch. 625, Act 5, § 11-208.3.

(3) Nothing shall prevent the municipality from consolidating multiple final determinations of standing or parking regulation violation(s) liability in an action in the Circuit Court against an individual.

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

(B) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provision of this subchapter by any method provided under the ILCS Ch. 735, Act 5, § 2-203, incorporated by reference or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing or parking regulation violation(s) does not exceed \$2,500.

(Ord. 1527, passed 4-6-93)

§ 72.57 LIST OF CHAPTERS OF THE VILLAGE CODE ADOPTED BY REFERENCE.

<i>Chapter</i>	<i>Title</i>
Ch. 72	Parking Regulations
Ch. 73	Motorcycles, Motor-Driven Cycles, and Bicycles
	Restricted to the following sections:
73.09	Special Equipment for Persons Riding Motorcycles
73.10	Height of Handle Bars
73.11	Mufflers
73.27	Renting to Minors
73.47	Vehicular Lighting
73.48	Workable Brakes Required
73.50	Warning Device Required
73.60	Definitions: roller-skates, skateboards and sled
73.61	Prohibited areas
73.99	Penalty
Ch. 70	Motor Vehicle Licensing
Ch. 77	Parking Scheduled, Sched. I, Parking Restrictions
Ch. 72	Towing of Vehicles
Ch. 92	Animals

70.02 Adopting Certain Portions of the Illinois Motor Vehicle Code

Restricted to the following sections:

Section

Titles

1 (B) L1-101 thru 224

Definitions

L 4-201

Abandon Vehicle

L 11-1001 thru 1007

Pedestrian Rights and Duties

L 11-1303

Stopping, Standing or Parking Prohibited in Specified Places

L 11-1304

Parking Regulations

L 11-1404

Specific Equipment for Persons Riding Motorcycles

L 11-1406

Obstruction of Driver’s View

L 11-1426

Operation of All-Terrain Vehicle on Streets, Roads and Highways

L 11-1427

Illegal Operation of All-Terrain Vehicle

L 11-1501 thru 1514

Bicycles

L 12-100 thru 901

Equipment of Motor Vehicles

(Ord. 1735, passed 6-21-99)

**ADMINISTRATIVE ADJUDICATION OF VEHICULAR
STANDING, PARKING AND COMPLIANCE VIOLATIONS**

§ 72.61 PURPOSE.

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

(Ord. 2024, passed 4-18-2005)

§ 72.62 ADMINISTRATIVE COMPOSITION.

The system of administrative adjudication of vehicular standing, parking, and compliance, regulation violation(s) shall provide for 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*. The Traffic Compliance Administrator shall be empowered and is hereby authorized and directed to:

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(1) Operate and manage the system of administrative adjudication of vehicular standing, parking, and compliance regulation violation(s).

(2) Adopt, distribute and process standing, parking, and compliance violation notices and other notices as may be required under this subchapter or as may be reasonably required to carry out the purpose of this subchapter.

(3) Collect monies paid as fines and/or penalties assessed after a final determination of vehicular standing, parking, or compliance regulation violation(s) 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 determination(s) of standing, parking, and compliance regulation violation(s) liability and factual report(s) verifying that the final determination of standing, parking, and compliance regulation violation(s) liability was issued in accordance with this subchapter and ILCS Ch. 625, Act 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 subchapter, hereinafter set forth, and those of ILCS Ch. 625, Act 5, § 6-306.5.

(7) Review final determination(s) of vehicular standing, parking, and compliance regulation violation(s) liability, validity of notices of impending impoundment or validity of notice of impending drivers license suspension, in an administrative review capacity in accordance with the provisions of this subchapter, hereinafter set forth.

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

(9) Collect unpaid fines and penalties by filing complaints in the Circuit Court or selecting or appointing an individual or agency to act on behalf of this municipality in filing complaints seeking judgments for unpaid fines or penalties and pursuant of all post-judgment remedies available by current law.

(10) To select or appoint an individual, agency or firm to tow and impound vehicles in accordance with the provisions of this subchapter, hereinafter set forth.

(B) *Hearing Officer*. The Hearing Officer shall be empowered and is hereby authorized and

directed to:

- (1) Preside over the administrative hearings, established herein, as the adjudicator.

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- (2) Administer oaths.

(3) Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.

(4) Assess fines and penalties for the violation of vehicular standing, parking, or compliance regulation violation(s) as are established this subchapter.

- (5) Make final determination of:

- (a) Vehicular standing, parking and compliance regulation violation(s) liability.

- (b) Validity of notice of impending impoundment.

- (c) Validity of notice of impending drivers license suspension in accordance with the provisions of § 72.99.

- (6) Provide for the accurate recording of the administrative adjudication hearing(s).

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

- (1) Input of violation notice information.

- (2) Hearing date(s) and notice dates.

- (3) Fine and penalty assessments and payment(s).

- (4) Issue payment receipts.

(5) Issue succeeding notices of hearing dates, final determination of liability, notice of impending impoundment, and notice of impending drivers license suspension, as directed by the Traffic Compliance Administrator 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) *Hearing Room Personnel.* Hearing Room Personnel are hereby authorized and directed to:

- (1) Maintain hearing room decorum.
- (2) Have and execute authority as is granted to courtroom deputies of the Circuit Court.

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

- (4) This position is limited to off-duty, full-time, part-time or auxiliary police officers.

(E) *Appointments.* The Village President is hereby authorized to appoint persons to hold the positions above set forth. One person may hold and fulfill the requirements of one or more of the above stated positions.

(F) *Compensation.* Compensation to be paid for each of the above stated positions shall be as determined by the Village President and approved by the Village Board of Trustees.
(Ord. 2024, passed 4-18-2005)

§ 72.63 PROCEDURE.

The system of administrative adjudication of vehicular standing, parking and compliance regulation violation(s) shall be in accordance with the following procedures and final determination(s) of vehicular standing, parking, and compliance regulation violation(s) liability, validity of notice of impending impoundment, validity of notice of impending drivers license suspension, impoundment of vehicle and collections shall be made only in accordance with the provisions set forth below:

(A) *Violation notice.* Vehicular standing, parking, and compliance regulation violation(s) notice(s) shall be issued by the person(s) 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, auxiliary police and community service officers, as well as other specifically appointed individuals shall have the authority to issue violation(s) notices.

(C) *Detection of Violations.* Any individual authorized hereby to issue violation(s) notices and who detects a violation of any section of any applicable municipal ordinance, shall issue a notice of violation thereof and shall make service thereof as is hereinafter set forth.

(D) The vehicular standing, parking, and compliance regulation 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 vehicle standing, parking, or compliance regulation violated.
- (3) Vehicle make and state registration number.
- (4) The fine and any penalty which may be assessed for late payment.

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- (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 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 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 violation notice with the “Request for Hearing” portion fully completed; with the Traffic Compliance Administrator postmarked within ten days of the violation notice issuance. The request shall be deemed file 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 of the violation.

(9) A section entitled “Non-Resident Request for Hearing – Non Appearance,” which clearly sets forth that a non-resident registered owner 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, “Non-Resident Request for Hearing – Nonappearance.”

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

(c) Signing his/her name in the appropriately indicated place.

(d) Filing the violation notice with the non-resident request for hearing portion fully completed, with the Traffic Compliance Administrator postmarked within ten days of the violation notice issuance. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator.

(e) Filing a notarized statement of facts specifying the grounds for challenging the violation notice which must be filed with the Traffic Compliance Administrator postmarked within ten days of the violation notice issuance. The request shall be deemed filed, if postmarked by the due dates herein specified.

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(f) A clearly marked statement that execution of the non-resident request for hearing is a waiver of the non-resident's right to a personal appearance and that the adjudication will be made based upon the notarized statement of facts submitted by the non-resident and the facts contained in the violation(s) notice(s).

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

(1) Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle, or

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

(F) *Certification of facts*. The correction of facts contained in the vehicular standing, parking, or compliance regulation violation(s) notice(s) shall be certified by the person issuing said notice by:

(1) Signing his/her name to the notice(s) at the time of service, 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) *Record of notice*. The original or a facsimile of the violation(s) notice(s) shall be retained by the Traffic Compliance Administrator and kept as a record in the ordinary course of business.

(H) *Prima facie evidence of correctness.* Any violation(s) notice(s) issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

(I) *Admissibility.* The violation(s) notice(s) or a copy(s) shall be admissible in any subsequent administrative or legal proceeding.
(Ord. 2024, passed 4-18-2005)

§ 72.64 ADMINISTRATIVE HEARINGS.

(A) *Opportunity for hearing.* An administrative hearing to adjudicate the alleged standing, parking, or compliance regulation violation(s) on its merits:

(1) Shall be granted to the registered owner or operator of the “cited vehicle,” pursuant to ILCS Ch. 625, Act 5, § 11-208.3 or the lessee of the “cited vehicle,” pursuant to ILCS Ch. 625, Act 5, § 11-1306, incorporated herein by reference.

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

(3) Shall be tape recorded.

(4) Shall culminate in a determination of liability or non-liability, made by the Hearing Officer, who shall consider testimony and other evidence without the application of the formal or technical rules of evidence. The Hearing Officer shall, upon a determination of liability, assess fines and penalties in accordance with § 72.99.

(B) *Representation by attorney.* Persons appearing to contest the alleged standing, parking, or compliance violation on its merits may be represented by counsel at their own expense.

(C) *Review.* The final determination of any matter which may be decided by the Hearing Officer may be reviewed as is hereinafter set forth.
(Ord. 2024, passed 4-18-2005)

§ 72.65 ADDITIONAL NOTICES.

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

- (1) Shall be sent to the registered owner or lessee of the “cited vehicle” at the address as is recorded with the Secretary of State.
- (2) Shall be sent to the lessee of the “cited vehicle” at the address last known to the lessor of the “cited vehicle” at the time of the lease.
- (3) Shall be sent by first class mail, postage prepaid.

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

(C) The additional notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:

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(1) Upon the failure of the registered owner or lessee. of the “cited vehicle” to appear at the hearing set forth in the vehicular standing, parking, or compliance regulation violation(s) notice(s), additional notice(s) shall be sent, as above set forth, and shall contain, but not be limited to the following information:

- (a) Date and location of violation cited in the vehicular standing, parking, or compliance regulation violation(s) notice(s).
- (b) Particular standing, parking, or compliance 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 or lessee of their current status, other than paid in full.

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

(g) Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of vehicle standing, parking, or compliance regulation violation(s) liability for the “cited” violation in the amount of the fine and penalty indicated.

(h) Statement that upon the occurrence of a final determination of vehicular standing, parking, or compliance violation(s) liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(D) A notice of final determination of vehicle standing, parking, or compliance regulation violation(s) liability shall be sent following an appearance by the violator and a determination of liability, or the failure to appear by the violator by the third and final hearing date upon conclusion of any administrative and/or judicial review, as is hereinafter set forth, and the notice shall contain, but not be limited to, the following information and warnings:

(1) A statement that the unpaid fine and any penalty assessed is a debt due and owing the municipality.

(2) A warning that failure to pay the fine and any penalty due and owing the municipality within the time specified may result in the municipality’s filing a complaint in the Circuit Court to have the unpaid fine or penalty rendered a judgment in accordance with ILCS Ch. 625, Act 5, § 11-208.3 (f), incorporated herein by reference.

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(3) A warning that the vehicle owned by the person and located within the municipality may be impounded for failure to pay fines or penalties for five or more vehicular standing, parking, or compliance regulation violations.

(4) A warning that the person’s drivers license may be suspended for failure to pay fines or penalties for ten or more vehicular standing or parking violations under ILCS Ch. 625, Act 5, § 6-306.5, incorporated herein by reference.

(E) A notice of impending suspension of a person’s drivers license shall be sent to any person

determined to be liable for the payment of any fine or penalty that remains due and owing on ten or more vehicular standing or parking regulation violation(s):

(1) The notice shall state that the failure to pay the fine or penalty owing within 45 days of the date of the notice will result in the municipality's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under ILCS Ch. 625, Act 5, § 6-306.5 incorporated herein by reference.

(2) The notice of impending drivers license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State.
(Ord. 2024, passed 4-18-2005)

§ 72.66 FINAL DETERMINATION OF LIABILITY.

(A) A final determination of vehicular standing, parking, or compliance regulation violation(s) liability shall:

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

(2) Where a person fails to appear at a prior hearing or by the third and final administrative hearing provided to contest the alleged violation(s) on the date and at the time and place specified in a prior served or mailed notice, the hearing officer's determination of vehicular standing, parking, or compliance regulation violation(s) liability shall become final;

(a) Upon denial of a timely petition to set aside that determination, or

(b) Upon the expiration of the period for filing petition without a filing having been made.
(Ord. 2024, passed 4-18-2005)

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§ 72.67 ADMINISTRATIVE REVIEW.

(A) A petition to set aside a determination of vehicular standing, parking, or compliance regulation violation(s) liability may be filed by a person owing an unpaid fine or penalty in the

manner and subject to the restrictions and grounds hereinafter set forth:

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

(2) The Traffic Compliance Administrator shall act upon the petition(s) timely filed and render a decision thereon within 14 days of the date filed.

(B) 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 owner or lessee of the "cited vehicle" on the date the vehicular standing, parking, or compliance regulation violation(s) notice(s) were issued.

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

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

(C) Should the determination of liability be set aside, the Traffic Compliance Administrator shall:

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

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

(3) Notice of setting aside of the determination of liability and the notice of the hearing date shall be by first class mail, postage prepaid to the address set forth on the petition to set aside the determination of liability.

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

(Ord. 2024, passed 4-18-2005)

§ 72.68 NON-RESIDENT PROCEDURES.

(A) Non-residents of this municipality who have been served vehicular standing, parking, or compliance regulation violation(s) notice(s), in accordance with this subchapter may contest the alleged violation of its merits, as could a resident, or may contest the validity without personally appearing at an administrative hearing by:

(1) Completing, in full, the “Non-Resident Request for Hearing” section of the violation notice served upon him/her pursuant to this subchapter.

(2) Signing the non-resident request for hearing in the space specified in the 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 violation notice.

(3) Filing the violation notice with the request for hearing section fully completed with the Traffic Compliance Administrator postmarked within ten days of the violation notice issuance. The request shall be deemed file upon receipt by the Traffic Compliance Administrator.

(4) Filing a notarized statement of facts specifying the grounds for challenging the violation notice which must be filed with the Traffic Compliance Administrator postmarked within ten days of the violation notice issuance. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator. The acceptance of a “Non-Resident Request for Hearing” after the due date or with cause, at the discretion of the Traffic Compliance Administrator, be accepted for hearing consideration and decision.

(B) The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed by the non-resident as is contained in the violation notice.

(C) Notice of the determination of the Hearing Officer shall be served upon the nonresident by first class mail, postage prepaid, addressed to the non-resident at the address set forth in the statement of facts submitted.

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

(E) All other provisions of this subchapter shall apply equally to non-residents of this municipality.

(Ord. 2024, passed 4-18-2005)

§ 72.69 SCHEDULE OF FINES; PENALTIES.

(A) The fines and penalties which shall be imposed for the violation of vehicular standing, parking, or compliance regulation violation(s) shall be as follows:

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FINE PAYMENT SCHEDULE					
	FINE SCHEDULE	GENERAL FINE AMOUNT	FIRE LANE FINE AMOUNT	HANDICAPPED FINE AMOUNT	TRAFFIC COMPLIANCE
Step 1	Upon service of a violation notice issued and paid within 10 days of the violation notice issuance, and no request for hearing has been timely filed, the fine amount shall be:	\$35	\$100	\$250	\$35
Step 2	Having failed to pay the fine amount by the deadline date (within 10 days of the violation notice issuance) as specified in Step 1 above, the fine amount, if paid after the deadline date in Step 1 but prior to the hearing date, will be:	\$70	\$150	\$250	\$70
Step 3	Having failed to pay the fine amount specified in Step 2 prior to the commencement of the first hearing date, the fine amount, if paid on the first hearing date or prior to the second hearing date, will be:	\$100	\$175	\$250	\$100
Step 4	Having failed to pay the fine amount specified in Step 3 prior to the commencement of the second hearing date, the fine amount, if paid on the second hearing date or prior to the third hearing date, will be:	\$150	\$200	\$250	\$150
Step 5	Having failed to pay the fine amount specified in Step 4 prior to the commencement of the third hearing date, the fine amount, if paid on the third hearing date or upon the finding of liability for the violation, after failure to appear at the third hearing, will be:	\$250	\$250	\$250	\$250

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

(C) The municipality adopts by reference all current and future local standing, parking or condition of vehicle ordinances, and those provisions of the Illinois Compiled Statutes governing the standing, parking, or condition of vehicles, for its enforcement and adjudication within the geographical boundaries of the municipality and in those areas subject to off-street parking

agreements.

(Ord. 2024, passed 4-18-2005; Am. Ord. 3051, passed 3-17-2008)

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§ 72.70 CERTIFIED REPORT; CONTESTING CERTIFIED REPORT.

(A) Upon a failure to pay fines and penalties deemed due and owing the municipality after the exhaustion of administrative procedures set forth herein for ten or more vehicular parking regulation violations, the Traffic Compliance Administrator shall make a certified report to the Secretary of State stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the municipality as a result of ten or more violations of municipal vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.

(B) The Traffic Compliance Administrator shall take no further action unless and until the fines and penalties due and owing the municipality are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the Traffic Compliance Administrator shall submit to the Secretary of State a notification which shall result in the halting of a driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.

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

(1) The person was neither the owner nor the lessee of the vehicle so receiving ten or more violation notices on the date or dates such notices were issued; or

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

(D) The Traffic Compliance Administrator shall render a determination within 14 business days of receipt of the objection form and shall notify the objector of the determination.

(Ord. 2024, passed 4-18-2005)

§ 72.71 IMMOBILIZATION; TOWING; IMPOUNDMENT.

(A) Any motor vehicle whose registered owner has been determined to be liable for five or more vehicular standing, parking, or compliance regulation violation(s), for which the fines or penalties assessed remain unpaid, may be immobilized or towed and impounded if:

(1) The Traffic Compliance Administrator has determined that a person has been

determined to be liable for five or more vehicular standing, parking, or compliance regulation violation(s), the fines or penalties for which remain unpaid.

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

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(3) A pre-Towing notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the municipality which contains, but shall not be limited to the following:

(a) That a final determination has been made on five or more vehicular standing, parking, or compliance regulation violation(s), the fines and penalties for which remain unpaid.

(b) A listing of the violation(s) for which the person has been determined to be liable, which shall include for each violation:

1. The vehicle standing, parking, or compliance regulation violation notice number.
2. Date of issuance.
3. Total amount of fine(s) and penalty(s) assessed.

(c) That the motor vehicle(s) owned by the person and located within the municipality is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within 14 days of the date of the notice.

(d) That the registered owner may contest the validity of the notice by fully completing and signing the request for hearing portion of one notice and by filing the request for hearing with the Traffic Compliance Administrator within, but not later than 14 days of the date of the notice.

(e) The request for hearing shall be deemed file upon receipt by the Traffic Compliance Administrator.

(4) The motor vehicle(s) of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for hearing has been filed with the Traffic Compliance Administrator to contest the validity of the notice.

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

(a) The Traffic Compliance Administrator shall serve notice of the hearing date upon the registered owner.

(b) Notice shall be sent by first class mail, postage prepaid to the address as is set forth

on the request for hearing.

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

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(B) The registered owner of a vehicle(s) immobilized or towed and impounded under this section, shall have the right to a prompt administrative hearing without the requirement of payment of outstanding fines and penalties for which final determination has been made.

(1) The Traffic Compliance Administrator shall serve a post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:

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

(b) Location of vehicle.

(c) That the vehicle was immobilized under this section of this subchapter for non-payment of fines or penalties assessed for the violation of five or more violation(s) of vehicular standing, parking, or compliance regulation(s) for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.

(d) Date of notice of impending immobilization or towing and impoundment.

(e) That the registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the Traffic Compliance Administrator within, but not later than, 14 days of the date of the notice which shall be deemed file upon receipt by the Traffic Compliance Administrator.

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

(a) The Traffic Compliance Administrator shall serve notice of the hearing date upon the registered owner.

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

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

(3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of ILCS Ch. 735, Act 5, §§ 3-101 *et seq.*, incorporated herein by reference.

(C) A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his/her agent, upon payment of the fines and penalties due and owing the municipality as specified

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in the notice sent in accordance with section § 72.65(C) hereof and the payment of towing charges and accrued daily impound charges or upon order of the Hearing Officer following hearing contesting the validity of the impoundment.

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

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

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

(3) The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section a secured area shall mean an area bounded by a fence, chain-link or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

(Ord. 2024, passed 4-18-2005)

§ 72.72 JUDICIAL REVIEW.

Judicial review of final determinations of vehicle standing, parking, or compliance regulation violation(s) and final administrative decisions issued after hearing(s) regarding vehicle immobilization or towing and impoundment made under this subchapter shall be subject to the provisions of the Administrative Review Law as is set forth in ILCS Ch. 735, Act 5, §§ 3-101, *et seq.*, incorporated herein by reference.

(Ord. 2024, passed 4-18-2005)

§ 72.73 DEBT TO MUNICIPALITY.

Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this subchapter and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this subchapter and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.
(Ord. 2024, passed 4-18-2005)

§ 72.74 JUDGMENT.

(A) The Traffic Compliance Administrator shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary

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action(s), 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 municipality in accordance with the provisions of this subchapter and ILCS Ch. 625, Act 5, § 11-208.3 by:

(1) Filing a complaint in the Circuit Court praying for the entry of a judgment against the person for whom a final determination of standing, parking, or compliance regulation violation(s) liability has been made.

(2) The complaint filed by the Traffic Compliance Administrator or individual or agency on behalf of the municipality seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of standing, parking, or compliance regulation violation(s) shall have appended:

(a) A certified copy of the final determination of the standing, parking, or compliance regulation violation(s).

(b) A certification that recites facts sufficient to show that the final determination of standing, parking, or compliance regulation violation(s) was issued in accordance with this subchapter and ILCS Ch. 625, Act 5, § 11-208.3.

(3) Nothing shall prevent the municipality from consolidating multiple final determinations of standing, parking, or compliance regulation violation(s) liability in an action in the Circuit Court

against an individual.

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

(B) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this subchapter by any method provided under ILCS Ch. 735, Act 5, § 2-203, incorporated herein by reference, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing, parking, or compliance regulation violation(s) does not exceed \$2,500.
(Ord. 2024, passed 4-18-2005)

§ 72.99 PENALTY.

The fines and penalties which shall be imposed for the violation of vehicular standing or parking regulation violation(s) shall be as follows:

(A) For violation of any municipal ordinance 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

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boundaries of this municipality, other than for handicapped parking and fire lane violations, the fine shall be:

(1) \$35 if paid within ten days of the issue date of the vehicular standing or parking regulation violation(s) notice(s) (notice of violation) served upon the registered owner, operator or lessee.

(2) \$70 if paid on or after the 11th day following the issue date of the notice of violation, but prior to the hearing date as is specified in the notice of violation and no request for hearing has been timely filed.

(3) \$100 if paid on or after the hearing date specified in the notice of violation but prior to the expiration of 14 days after the hearing date specified in the notice of violation, if no request for hearing has been timely filed or a request for hearing has been timely but the person filing the request for hearing failed to appear.

(4) \$250 if paid on or after the 15th day following the hearing date specified in the notice of violation and no request therefore had been timely filed or a request had been timely filed and the

person filing the request failed to appear at the hearing and no request for hearing, as specified in the second notice sent in accordance with the provisions of §§ 72.45 *et seq.*, has been timely filed.

(B) For violation of any municipal ordinance 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 this municipality for areas specifically designated for handicapped parking and fire lanes violations, the fine shall be:

(1) \$100 if paid within ten days of the issue date of the vehicular standing or parking regulation violation(s) notice(s) (notice of violation) served upon the registered owner, operator or lessee.

(2) \$150 if paid on or after the 11th day following the issue date of the notice of violation, but prior to the hearing date as is specified in the notice of violation and no request for hearing has been timely filed.

(3) \$175 if paid on or after the hearing date specified in the notice of violation but prior to the expiration of 14 days after the hearing date specified in the notice of violation, if no request for hearing has been timely filed or a request for hearing has been timely but the person filing the request for hearing failed to appear.

(4) \$250 if paid on or after the 15th day following the hearing date specified in the notice of violation and no request for hearing had been timely filed or a request had been timely filed and the person filing the request failed to appear at the hearing and no-request for hearing, as specified in the second notice sent in accordance with the provisions of §§ 72.45 *et seq.*, has been timely filed. (Ord. 1527, passed 4-6-93; Am. Ord. 1608, passed 10-2-98)

