

CHAPTER 41

TRAFFIC

41.01 ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE

In lieu of using any section, or in addition to any section of this chapter, the officer issuing a citation may issue it by using any of the sections of the Illinois Vehicle Code, which sections of said Illinois Vehicle Code and all amendments made from time to time, are hereby incorporated by reference as part of this chapter, and every numbered section in said Illinois Vehicle Code shall be referred to by letters "HH" prefixing said section number. All citations so issued shall be issued in the name of the City of Hickory Hills and referred to in the uniform traffic ticket or complaint as an ordinance violation. The penalties for traffic violation in this chapter shall apply to said violations.

41.02 RECKLESS, NEGLIGENT OR CARELESS DRIVING

It shall be unlawful to operate any vehicle in the city in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

41.021. AUTHORITY TO ERECT TRAFFIC CONTROL DEVICES AND SIGNS.

(a) It shall be unlawful for any person to disobey any traffic control device or sign, whether erected under the provisions of this Section or otherwise. Every traffic control device and sign shall be deemed valid whether or not erected in compliance with the provisions of this Section, any other provision of the Hickory Hills Municipal Code or the Manual on Uniform Traffic Control Devices.

(b) The authority to erect traffic control devices and signs on streets and alleys under the jurisdiction of the City is hereby delegated to the Traffic Control Board. The Traffic Control Board shall consist of the Chief of Police, Director of Department of Public Works, and Chairman of the Public Safety Committee. Any member of the Traffic Control Board may authorize a delegate with full authority to act on all matters. The Traffic Control Board shall make a determination, based upon objective criteria, including the Manual on Uniform Traffic Control Devices, as to the erection of any traffic control device or sign. The Traffic Control Board shall have the authority to establish the objective criteria upon which it shall act, but the ultimate decision to erect any traffic control device or sign shall be made by the majority vote of the Traffic Control Board.

(c) The City Council retains the right to authorize the erection of any traffic control device or sign.

41.03 SPEED RESTRICTIONS

(a) Unless otherwise posted, the maximum speed limit is 20 miles per hour on a street and 15 miles per hour in an alley.

(b) No vehicle may be driven at a speed which is greater than is reasonable and with proper regard to traffic conditions and the use of the street, or endangers the safety of any person or property.

(c) It shall be unlawful to drive any vehicle in violation of any traffic control device or sign.

41.04 BICYCLES AND MOTORCYCLES

No person shall operate or ride on a bicycle or motorcycle on any street unless all persons thereon are riding on a seat permanently attached to the vehicle.

41.05 CLINGING TO MOVING VEHICLES

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway. No person shall ride on the running board, fender or outside step of any vehicle.

41.06 USE OF COASTERS, ROLLER SKATES, SKATEBOARDS AND SIMILAR DEVICES

No person upon roller skates or riding in or by means of any skateboard, coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street in a crosswalk.

41.07 SPILLING LOADS

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley.

41.08 PARKING VEHICLES FOR SALE

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale or to park any vehicle upon any business street from which vehicle merchandise is peddled, or to park any vehicle upon any street without state license plates upon it issued for such vehicle to the owner of the vehicle in accordance with the Illinois Revised Statutes.

41.09 PARKING HEAVY TRUCKS

The parking of heavy trucks with an empty weight of over 8,000 pounds gross weight, commercial vehicles, tractors, trailers, any other heavy operating equipment or any motor vehicle having a state license plate in excess of the "B" category is hereby prohibited on all of the R1, R2, R3, R4 and R5 residential zones in the City of Hickory Hills at any time.

41.10 PARKING IN PARKWAYS

It shall be lawful to park automobiles only on the following parkways within the City of Hickory Hills provided that those parkways are paved and that all necessary bumpers and markings are made, as required by the Chief of Police, to safeguard any adjacent sidewalk, walkway, and any pedestrians using the same:

(a) From the north line of 95th Street to the south line of the alleys immediately north of 95th Street upon 80th Court, 81st Avenue, 81st Court, 82nd Court, 82nd Avenue, 82nd Court, 83rd Avenue, and 83rd Court.

(b) From the north line of 95th Street to a point 300 feet north thereof on 86th Court.

(c) From the south line of 89th Place to the north line of 90th Street on the west side of 79th Avenue.

(d) From the west Tollway line west for a distance of 195 feet on the south side of 89th Place.

(e) From the north line of 95th Street north for a distance of 125 feet on the west side of 78th Court.

(f) From 125 feet east of the east line of Roberts Road east for a distance of 120 feet on the south side of 94th Street.

(g) From the east line of Roberts Road east for a distance of 58 feet on the north side of 93rd Street.

(h) From 42 feet east of the east line of Roberts Road east for a distance of 50 feet on the south side of 88th Street.

(i) From the west line of Roberts Road west for a distance of 190 feet on the south side of 91st Street.

41.11 NO PARKING PLACES

(a) At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

1. In any intersection.
2. In a crosswalk
3. Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto.
4. 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.
5. Within 30 feet of a traffic signal, beacon, or sign on the approaching side.
6. Within 20 feet of any intersection or crosswalk.
7. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet.
8. Within 15 feet of a fire hydrant on any unimproved street or within 8 feet of an improved street.
9. At any place where a vehicle would block the use of a driveway.
10. Within 50 feet of the nearest rail of a railroad grade crossing.
11. Within 20 feet of the nearest 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 sign-posted.
12. On any sidewalk or parkway except as provided in Section 41.17.
13. At any place where official signs prohibit parking.
14. Within 15 feet of a mailbox in a manner to prevent delivery of mail to that mailbox from a U. S. Postal Service vehicle during the hours of 8:00 a.m. through 5:00 p.m.

41.12 SNOW ROUTE - PARKING PROHIBITED

It shall be unlawful to stand or park a motor vehicle on any street after 2-1/2 inches or more of snow have accumulated thereon. Motor vehicles may park after snow has been cleared from the street, but if more snow continues to fall resulting in an accumulation of 2-1/2 inches or more, then standing or parking is prohibited.

41.13 STREET CLEANING

It shall be unlawful to park any vehicle on any public street or portion thereof in the city at any time when such street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street and shall be removed after the cleaning of the street is finished.

41.14 TOWING

The Police Department is authorized to tow vehicles in accordance with the provisions of the Illinois Vehicle Code and the Municipal Code of the City of Hickory Hills.

41.15 PRESUMPTION OF LIABILITY

The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such parking.

41.16 LOADING ZONE

It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed 30 minutes, in any place designated as a loading zone.

41.17 PARKING AT NIGHT

No person shall park any vehicle between the hours of 2:00 a. m. and 6:00 a. m. on any street in the city.

41.18 ALLEYS

No person shall park a vehicle within an alley in such manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

41.19 CAB STANDS, BUS STANDS

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

41.20 PARKING MOTOR VEHICLE ON PRIVATE PROPERTY

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

41.21 HANDICAPPED PARKING

No vehicle shall be parked or shall stand in any area which has been designated by the City of Hickory Hills or any property owner therein as a handicapped parking zone or area, except if said vehicle bears license plates issued to a physically handicapped person pursuant to Section 3-616 of the Illinois Vehicle Code or issued to a disabled veteran pursuant to Section 3-609 of the Illinois Vehicle Code, or if said vehicle has exhibited in its windshield a handicapped identification card issued by any unit of local government or township in the State of Illinois and said vehicle is being used by a handicapped person at that time and place.

41.22 WEIGHT LIMITS

(a) A weight limit of 8,000 pounds is established on all streets within the City of Hickory Hills except for 95th Street, 87th Street, Roberts Road, 88th Avenue, and Kean Avenue.

(b) It shall be unlawful to operate any vehicle with a gross weight in excess of the legal weight limit.

(c) It shall be a defense to a charge under this section that a vehicle was taking the shortest route to make a pick up or delivery at a premises located on a street with a weight limit. The shortest route means a path which causes a vehicle to travel the least amount of distance on streets with an 8,000 pound load limit to reach the premises of pick up or delivery.

41.23 PROCEDURE GOVERNING ISSUANCE OF CITATIONS ("P" TICKETS) IN CERTAIN TRAFFIC VIOLATION CASES

(a) **Applicable Sections.** Whenever a police officer is authorized to arrest a person without a warrant because of a violation of any section or provision of this Municipal Code in respect to any of the following sections:

Sections	Settlement Amount
PARKING - Violation of all Sections: Chapter 41	\$ See Schedule set forth in Sec. 1.07
NO VEHICLE STICKER - IMPROPER VEHICLE STICKER OR FAILURE TO PURCHASE OR DISPLAY VEHICLE STICKER - Violation of all Sections: Chapter 37	\$ See Schedule set forth in Sec. 1.07
BICYCLE - Violation of all Sections: Chapter 41	\$ 20.00
TRAFFIC - Violations not otherwise provided for - Violation of Chapter 41	\$ 50.00
ILLINOIS VEHICLE CODE (IVC) - Violation of the following sections:	

IVC Section	Description	Settlement Amount
3-413	Display of Registration plates, registration stickers and driveway decal permits.	\$ 50.00
11-305	Disobeying a Traffic Control Device	\$ 50.00
11-801	Improper turning	\$ 50.00
11-901	Failure to yield at intersection	\$ 50.00
11-1406	Obstruction to driver's view	\$ 50.00
11-1407	Improper opening of door	\$ 50.00
11-1410	Coasting on downgrade	\$ 50.00
11-1411	Following fire apparatus	\$ 50.00

IVC Section	Description	Settlement Amount
12-101	Unsafe motor vehicle	\$ 50.00
12-201(a)	Driving without lighted lamp (motorcycle)	\$ 50.00
12-201(b)	Driving without lights when required	\$ 50.00
12-201(b)	No taillights	\$ 50.00
12-201(b)	No red taillight	\$ 50.00
12-201(b)	Only one red taillight	\$ 50.00
12-201(c)	No rear registration light	\$ 50.00
12-205.1	No lights when required (specific vehicle)	\$ 50.00
12-208	No signal lamp or device	\$ 50.00
12-211	Improper lighting	\$ 50.00
12-212	Illegal lights (red or flashing)	\$ 50.00
12-215	Illegal use of oscillating, rotating, or flashing lights	\$ 50.00
12-301	Defective or no brakes	\$ 50.00
12-401	Use of illegal tires (studs)	\$ 50.00
12-405(c)	Use of unsafe tire	\$ 50.00
12-501	No safety glass	\$ 50.00
12-502	Mirrors	\$ 50.00
12-503(a,c,e)	Obstruction of driver's view	\$ 50.00
12-503(d)	No windshield wiper or cleaning device	\$ 50.00
12-601	Defective horn	\$ 50.00
12-602	Muffler (loud; excessive noise; no muffler)	\$ 50.00
12-603 & 603.1	No seat belts or restraint belts	\$ 50.00
12-606	Tow trucks (identification)	\$ 50.00
12-607	Vehicle suspension system	\$ 50.00
12-608	Vehicle bumpers	\$ 50.00
12-610	Wearing headset receiver while driving	\$ 50.00
12-702(a)	No flags, flares, warning devices carried	\$ 50.00
12-703	Dripping oil on roadway	\$ 50.00
12-704	Improper or no equipment markings (explosive carrier)	\$ 50.00
12-704.1	Improper or no equipment markings (radioactive carrier)	\$ 50.00
12-705	Flammable carrier	\$ 50.00
12-710	Inadequate or no splash-guards	\$ 50.00

Said police officer may, in lieu of the filing of a complaint in court, in the first instance issue to such alleged violator, a CITATION,

1. Advising said person that he has violated a specified ordinance;
2. Requesting him to make payment in an amount applicable to said alleged violation as set forth above as settlement of said violation claim; and
3. Informing him that upon failure to so settle, a complaint will be filed in the Circuit Court of Cook County charging him with such violation.

(b) **Final Notice--Penalty.** In the event that the person to whom said CITATION is issued fails to settle and pay said violation within the time specified in the CITATION, a Final Notice shall be mailed to him. When, in fact, the Final Notice has been mailed the violation may then be settled and compromised by paying one and one-half times the amount set forth in (a) (above) within the time specified in the Final Notice.

(c) **Issuance of Complaint.** In the event that the person to whom the CITATION is issued fails to settle and pay said violation claim within the time specified in the Final Notice (if one is served or mailed to him), then the police officer is authorized to cause the CITATION (Notice to Appear - "P" Ticket) to be served upon said alleged violator and is authorized to file the same as a Complaint in the Circuit Court of Cook County and prosecute the same. The officer, as an alternative, may file a formal Complaint in the Circuit Court of Cook County in lieu of the CITATION.

(d) **Court Penalty--Settlement Before Court Date.** In the event that payment is not made within the time prescribed in the Final Notice and the CITATION or a complaint filed in the Circuit Court, payment of any fine and costs shall be in such amounts as may be determined and established by the Circuit Court, but not to exceed the sum of \$500 for any one violation; provided that the offenses may be settled and compromised for the amount specified in the Notice to Appear at least three (3) working days before the court date. Such amount shall be one and one-half times the amount set forth in Schedule (a) (above).

(e) **Correction of Violation.** The payment of an amount as settlement herein will not excuse securing of and the payment of a license fee provided for in this Code or correction of the violation. Proof of correction must be furnished before settlement is accepted.

(f) **Parking Violation.** The fact that an automobile or motor vehicle which is illegally operated or parked is registered with the Secretary of State in the name of said alleged violator; or, in the alternative, in the event that a vehicle sticker issued by a municipality has been issued in the name of and to said alleged violator, shall be proof that said alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of such alleged violation.

The commercial lessor of any vehicle, whether or not the registered owner, shall be responsible for such parking violation and subject to the penalty therefor.

41.24 ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING, PARKING AND COMPLIANCE VIOLATIONS

(a) Pursuant to the provisions of 625 ILCS 5/11-208 and 5/11-208.3, the City of Hickory Hills ("Municipality") hereby enacts a system of administrative adjudication of vehicular standing, parking and condition of vehicle regulation violations of its City Code. For purposes of this section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax.

(b) 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:

1. **Traffic Compliance Administrator** - shall be empowered and is hereby authorized and directed to:

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

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

C. Collect moneys paid as fines and/or penalties assessed after a final determination of vehicular standing, parking, or compliance 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, 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 Ordinance and 625 ILCS 5/11-208.3.

F. Certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Ordinance, hereinafter set forth, and those of Chapter 625 ILCS 5/6-306.5.

G. 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 Ordinance, 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 Ordinance, hereinafter set forth.

2. **Hearing Officer** - shall be empowered and is hereby authorized and directed to:

A. Preside over the administrative hearings, established herein, as the adjudicator.

B. Administer oaths.

C. Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.

D. Assess fines and penalties for the violation of vehicular standing, parking, or compliance regulation violation(s) as are established in Section I hereof.

E. Make final determination of:

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

(2) Validity of Notice of impending impoundment.

(3) Validity of notice of impending drivers license suspension in accordance with the provisions of this Ordinance, hereinafter set forth.

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

3. **System Coordinator/Computer Operator** - are 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. Hearing date(s) and notice dates.

C. Fine and penalty assessments and payment(s).

D. Issue payment receipts.

E. 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.

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

4. **Hearing Room Personnel** - are hereby authorized and directed to:

A. Maintain hearing room decorum.

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

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

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

5. **Appointments - The Mayor is hereby authorized to appoint** persons to hold the positions above set forth. One person may hold and fulfill the requirements of one or more of the above stated positions.

6. **Compensation** to be paid for each of the above stated positions shall be as determined by the Mayor and approved by the Aldermen.

(c) 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:

1. **Violation Notice** - vehicular standing, parking, and compliance regulation violation(s) notice(s) ("violation 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.

2. **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.

3. **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.

4. **The vehicular standing, parking, and compliance regulation "Violation Notice" shall contain**, but shall not be limited to, the following information:

- A. The date, time and place of the violation (date of issuance).
- B. The particular vehicular standing, parking, or compliance 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 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:
 - (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 Traffic Compliance Administrator postmarked within 10 days of the violation notice issuance. The request shall be deemed filed upon receipt by the Traffic Compliance 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 of the violation.

I. 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:

(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 Traffic Compliance Administrator postmarked within 10 days of the violation notice issuance. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator.

(5) 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 10 days of the violation notice issuance. The request shall be deemed filed, if post marked by the due dates herein specified.

(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 of the 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. **The correctness 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:

A. Signing his/her name to the notice(s) at the time of service, or

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

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

8. **Prima Facia Evidence of Correctness** - Any violation(s) notice(s) issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facia correct and shall be prima facia evidence of the correctness of the facts shown on the notice.

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

(d) 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 Chapter 625 ILCS 5/11-208.3 **or the lessee** of the "cited vehicle", pursuant to Chapter 625 ILCS 5/11-1306, incorporated herein by reference.

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 Ordinance. Violators shall be given no less than three (3) opportunities to appear and failure to appear by the third (3rd) scheduled 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 Section 9 hereof.

5. **Representation By Attorney** - Persons appearing to contest the alleged standing, parking, or compliance violation on it's merits may be represented by counsel at their own expense.

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

(e) 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.

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

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

A. Upon the failure of the registered owner or lessee of the 'cited vehicle' to appear at the hearing set forth in the 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:

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

(2) Particular standing, parking, or compliance regulation violated.

(3) Vehicle make and state registration.

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

(5) Notice to the registered owner or lessee of their current status, other than paid in full.

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

(7) Statement that failure to either pay the 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.

(8) 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.

B. A notice of final determination of vehicular 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 (3rd) 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 Chapter 625 ILCS 5/11-208.3 (f), incorporated herein by reference.

(3) A warning that the vehicle owned by the person and located within the Municipality may be impounded for failure to pay fines or penalties for five (5) 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 (10) or more vehicular standing or parking violations under Chapter 625 ILCS 5/6-306.5, incorporated herein by reference.

C. 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 (10) or more vehicular standing or parking regulation violation(s):

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

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

(3) 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."

(f) 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 (3rd) 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.

(g) 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, fourteen (14) days from the date the determination of liability is made.

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

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

A. The person against whom the determination of liability is made was not the owner or lessee of the "cited vehicle" on the date the vehicular standing, parking, or compliance regulation violation(s) notice(s) were issued.

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

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

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

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

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

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

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

(h) Non-residents of this Municipality who have been served vehicular standing, parking, or compliance regulation violation(s) notice(s), in accordance with this Ordinance, 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 pursuant to this Ordinance.

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 10 days of the violation notice issuance. The request shall be deemed filed 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 10 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.

5. 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.

6. 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.

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

8. All other provisions of this Ordinance shall apply equally to non-residents of this Municipality.

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

FINE PAYMENT SCHEDULE

<u>FINE SCHEDULE</u>	<u>GENERAL FINE AMOUNT</u>	<u>HANDICAPPED FINE AMOUNT</u>	<u>TRAFFIC COMPLIANCE</u>
<p>Step 1</p> <p>Upon service of "P" or "C" violation notice, the fine amount shall be:</p>	<p>(Prior to/at 1st Hearing)</p> <p>\$ 50.00</p>	<p>(Prior to/at 1st Hearing)</p> <p>\$250.00</p>	<p>(Prior to/at 1st Hearing)</p> <p>\$ 50.00</p>
<p>Step 2</p> <p>Having failed to pay or appear at the 1st Hearing as specified in Step 1, the fine amount shall be as follows:</p>	<p>(Prior to/at 2nd Hearing)</p> <p>\$100.00</p>	<p>(Prior to/at 2nd Hearing)</p> <p>\$250.00</p>	<p>(Prior to/at 2nd Hearing)</p> <p>\$100.00</p>
<p>Step 3</p> <p>Having failed to pay or appear at the 2nd Hearing as specified in Step 2, the fine amount shall be as follows:</p>	<p>(Prior to/at Final Hearing)</p> <p>\$200.00</p>	<p>(Prior to/at Final Hearing)</p> <p>\$250.00</p>	<p>(Prior to/at Final Hearing)</p> <p>\$200.00</p>
<p>Step 4</p> <p>If a party fails to pay or appear at the Final Hearing as specified in Step 3, a Final Determination Notice will be mailed with the fine amount as follows:</p>	<p>(Final Determination)</p> <p>\$250.00</p>	<p>(Final Determination)</p> <p>\$250.00</p>	<p>(Final Determination)</p> <p>\$250.00</p>

1. The fines and penalties herein set forth shall be uniformly applied for each violation of any applicable Municipal Ordinance.

2. 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.

(j) Upon a failure to pay fines and penalties deemed due and owing the City after the exhaustion of administrative procedures set forth herein for ten (10) or more vehicular parking regulation violations, the Traffic Compliance Administrator shall make a Certified Report to the Secretary of State stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the City as a result of ten (10) or more violations of Municipal vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.

1. The Traffic Compliance Administrator shall take no further action unless and until the fines and penalties due and owing the City 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.

2. 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:

A. The person was neither the owner nor the lessee of the vehicle (so receiving ten (10) or more violation notices on the date or dates such notices were issued; or

B. The person has paid the fine and/or penalty for the ten (10) or more violations indicated on the Certified Report.

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

(k) 1. Any motor vehicle whose registered owner has been determined to be liable for five (5) 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:

A. The Traffic Compliance Administrator has determined that a person has been determined to be liable for five (5) or more vehicular standing, parking, or compliance regulation violation(s), the fines or penalties for which remain unpaid.

B. The person determined to be liable for five (5) or more violations is the registered owner of a motor vehicle located within the Municipality geographical boundaries.

C. 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:

(1) That a final determination has been made on five (5) or more vehicular standing, parking, or compliance regulation violation(s), the fines and penalties for which remain unpaid.

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

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

(ii) Date of issuance.

(iii) Total amount of fine(s) and penalty(s) assessed.

(2) 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 fourteen (14) days of the date of the notice.

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

D. 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.

E. 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 schedule later than sixty (60) days after the request for hearing is filed.

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

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

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

2. 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.

A. 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:

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

(2) Location of vehicle.

(3) That the vehicle was immobilized under this section of this Ordinance for non-payment of fines or penalties assessed for the violation of five (5) 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.

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

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

B. 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 sixty (60) days after the request for hearing is filed.

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

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

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

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

3. A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his agent, upon payment of the fines and penalties due and owing the Municipality as specified in the notice sent in accordance with Section K(1)(iii) 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.

4. 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:

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

B. The individual, agency or company is fully insured.

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

(l) Judicial Review of final determinations of vehicular standing, parking, or compliance regulation violation(s) and final administrative decisions issued after hearing(s) regarding vehicle immobilization or towing and impoundment made under this section shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/301, et. seq., incorporated herein by reference.

(m) Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this Ordinance and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Ordinance 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.

(n) The Traffic Compliance Administrator shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary action(s), execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a Judgment against and collect 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 Ordinance and 625 ILCS 5/11-208.3 by:

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

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

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

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

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

4. Pursuing all available remedies, allowed by law, to collect money Judgments.

5. 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 Ordinance by any method provided under 735 ILCS 5/2-203, incorporated by reference, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing, parking, or compliance regulation violation(s) does not exceed \$2,500.00.

41.30 CONTRACTS FOR THE ENFORCEMENT OF PARKING AND TRAFFIC REGULATIONS

Pursuant to the provisions of 625 ILCS 5/11-209, the Mayor and City Clerk are hereby authorized to enter into contracts with the owners of any parking area located within the City for the enforcement of parking and traffic regulations.

41.31 AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM

(a) **Definitions.**

Automated traffic law enforcement system means a device within the City of Hickory Hills with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (the "Code"), 625 ILCS 5/11-306, or similar violation of the City of Hickory Hills Municipal Code.

Disregarding a traffic control device means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code.

No turn on red means failure to stop and remain stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating "No turn on red," or other similar language, and a red signal as provided for in Section 11-306 of the Code.

Recorded images means images produced by the automated traffic law enforcement system, which consist of either 2 or more photographs; 2 or more microphotographs; 2 or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

Traffic Compliance Administrator means the person appointed as such through Section 41.24 of the Municipal Code of the City of Hickory Hills and shall have the following additional powers: adopt, distribute and process automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties, operate the automated traffic law enforcement system, and make certified reports to the Secretary of State as required by this Section.

(b) **Violations.** It shall be a violation of this Section for a vehicle to disregard a traffic control device or turn on red in violation of Section 11-306 of the Code.

(c) **Defenses.** The following may be considered defenses by the Hearing Officer for a violation of Section 41.31 (b):

1. that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation;

2. that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession.

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(d) **Notice of Violation.** When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 41.31 (b), the City shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the Illinois Secretary of State notifies the City of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The City shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Compliance Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of Section 41.31 (b), or whether one of the defenses enumerated in Section 41.31 (c) is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above. The Traffic Compliance Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in this Section.

The Notice of Violation shall include the following information:

1. the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
2. the make (only if discernible) and registration number of the motor vehicle involved in the violation;
3. the violation charged;
4. the location where the violation occurred;
5. the date and time of the violation;
6. a copy of the recorded images;
7. the amount of the civil penalty and the date by which the penalty should be paid (14 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
8. a statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
9. the amount of the late fee;
10. a statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
11. a statement that the recorded images constitute *prima facie* evidence of a violation;
12. a statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and

13. a statement of how an administrative hearing may be requested.

(e) **Hearing.** The owner of a vehicle being operated in violation of Section 41.3 (b) may request a hearing by the respond-by date on the Notice of Violation (14 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of Section 41.31(b). The Notice of Violation shall be prima facie evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 41.31(c).

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

(f) **Non-Residents.** Where the registered owner or lessee of the cited vehicle is not a resident of the City but seeks to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the Traffic Compliance Administrator no later than the hearing date, together with a written statement reflecting that they are Non-Residents of the City of Hickory Hills. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination.

(g) **Final Determination.** A Final Determination of an automated traffic law violation(s) liability shall occur under the following circumstances:

1. the failure to pay the total assessed fine or penalty after the hearing officer's determination of vehicular standing, parking, compliance regulation or automated violation(s) liability within 25 days and the exhaustion of or the failure to exhaust any administrative review procedures; or

2. the failure to appear at the administrative hearing on the date, time and place specified in the notice, upon the exhaustion or failure to exhaust administrative review procedures.

(h) **Notice of Determination of Liability.** If the registered owner fails to pay or contest the Notice of Violation within 14 days a Notice of Determination of Liability will be sent to the owner indicating that a fine in the amount of \$100 is due to the City. The notice will also state that the owner can petition the City to set aside the determination of liability before it becomes final. If the owner does not pay the \$100 as specified in the notice or petition the City to set aside the determination, or exhaust administrative review, a Notice of Final Determination will be sent to the owner indicating that the owner has exhausted all challenge options and the \$100 fine is a debt due and owing to the City and must be paid within 14 days. The owner will also be notified that the failure to pay the \$100 fine within 14 days will result in a late fee of \$100 added to the original fine.

(i) **Notice of Final Determination.** A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The Notice of Final Determination shall include the following information:

1. a statement that the unpaid fine is a debt due and owing to the City of Hickory Hills;
2. a warning that a failure to pay any fine due and owing to the City of Hickory Hills within 14 days may result in a petition to the Circuit Court of Cook County to have the unpaid fine rendered as a judgment or may result in the suspension of the person's drivers license for failure to pay fines or penalties for 5 or more violation under this Section.

(j) **Petitions to Set Aside Determination.** A Petition to Set Aside Determination of an automated traffic law violation must be filed with or mailed to the Traffic Control Administrator within 14 days of the date of mailing of the Notice of Determination of Liability. The grounds for the petition are limited to:

1. the person was not the owner or lessee of the cited vehicle on the date of the violation notice was issued;
2. the person having already paid the fine for the violation in question; and
3. excusable failure to appear at or request a new date for a hearing.

Upon receipt of a timely petition to set aside the determination of liability, the Hearing Officer shall review the petition to determine if cause has been shown to set aside the determination. If cause has been shown, the City shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The City shall notify the petitioner of the Hearing Officer's decision to grant a hearing or deny the petition within 14 days of the City's receipt.

(k) **Notice of Impending Drivers License Suspension.** A Notice of Impending Drivers License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on 5 or more violations of this Section. The Notice of Impending Drivers License Suspension shall state the following information:

1. the failure to pay the fine owing within 45 days of the notice's date will result in the City of Hickory Hills notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code;
2. a statement that the person may obtain a copy of the original ticket imposing a fine by sending a self-addressed, stamped envelope to the City along with a request for the copy.

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 or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(l) **Drivers License Suspension.** The Traffic Compliance Administrator, by certified report, shall request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of 5 automated traffic violations. The report shall be certified and contain the following:

1. the name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Section is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;

2. the name of the municipality making the report pursuant to this section; and

3. a statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Section is returned as undeliverable at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent.

The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within 7 days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the 5 or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report.

(m) **Penalty.** Any person violating Section 41.31(b) shall be fined \$100 for each offense. Failure to pay the original fine within 14 days after service of a Final Determination shall result in an additional \$100 late payment fine.

41.32 MINORS CROSSING HIGHWAYS

It shall be unlawful for any person under the age of 16 to cross Roberts Road or 95th Street, except as follows:

- (a) At a traffic control signal with a green light.
- (b) At a designated crosswalk.
- (c) As directed by a school crossing guard or police officer.
- (d) As directed by an adult in the company of the minors.