

CHAPTER 15

TRAFFIC

(Amended 1/1/2013)

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15.01 TRAFFIC REGULATIONS.

(a) Pursuant to 625 ILCS 5/20-204, the Village hereby adopts and incorporates by reference all paragraphs and sections of the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*) and the fines and penalty sections of the Unified Code of Corrections, (730 ILCS 5/1-1-1, *et seq.*) as each are amended from time to time. Provided, however, any person found guilty of violating Chapter 15, pars.11-501(a)(1); 11-501(a)(2); 11-501(a)(3); and 11-501(a)(4) shall be fined pursuant to Appendix A of this Code plus a term in jail for less than one year. Any person found liable in the Village's Code Hearing Department of violating an offense not governing the movement of vehicles and which is not reportable under 625 ILCS 5/6-204, shall be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*)

(b) The section numbers used herein shall be identical to those section numbers in the Illinois Vehicle Code preceded by the number 15, in accordance with a directive from the Clerk of the Circuit Court, e.g., sections shall be referenced as Chapter 15, Section 1-100, *et seq.*, as applicable.

15.02 USE OF MECHANICAL EXHAUST DEVICES FOR BRAKING.

(a) No person shall operate or cause to be used or operated within the Village limits any mechanical exhaust device designed to aid in the braking or deceleration of any

vehicle by converting engine power to compressed air which results in a loud, unusual or explosive noise from such vehicle.

(b) It shall be an affirmative defense that the person operated or caused to be used or operated such mechanical exhaust device in circumstances where it was reasonably necessary to avoid injury or an accident.

15.03 SNOW AND ICE REMOVAL.

The Board of Trustees finds that during periods of heavy snowfall or severe icing conditions the streets of the Village require expeditious snow and ice removal in order to permit vehicular traffic to operate in a safe manner; and that snow and ice removal operations are hindered by vehicles that are parked or stand in the streets during such operations, thereby rendering it difficult to expeditiously remove such snow and ice, and thereby creating a threat to public safety. Therefore, if at any time between the hours of 10 p.m. and 7 a.m. after accumulated snow attains a depth of two inches or more and after the snow has stopped falling or, if snow is still falling but snow removal operations are in process on the street where a vehicle is parked, it shall be unlawful for any person to park any such vehicle on any such street until snow has been removed from the entire and both sides of the block in which such vehicle is parked, or the entire and both sides of the block have been completely treated with ice retardant or ice removal materials, as the case may be. Any vehicle found to be in violation of this Section may be towed away and the cost of such towing or storage shall be paid by the owner or operator of the vehicle. Such payment of towing and storage costs shall be in addition to any fine that may be levied upon conviction for violation of this Section.

15.04 RECLAIMED VEHICLES, EXPENSES.

Pursuant to 625 ILCS 5/4-207, any vehicle impounded by the Village shall not be released to the owner, lienholder or other person until all towing and storage charges incurred by the Village have been paid. If the Village stores the vehicle on Village property, a storage charge of \$50.00 per day shall be paid to the Village.

15.05 ROLLER SKATES, STREET SKATES AND SKATEBOARDS REGULATED.

No people shall roller skate or ride a skateboard anywhere within the Village without complying with the terms of this Section. As used herein to roller skate shall mean to skate on any type of roller skates or street skates.

1. Streets. No person shall roller skate or ride a skateboard in a reckless manner on any public street and no person shall ride a skateboard or roller skate on a street without exercising due care for the safety of other persons using the street. The rules related to pedestrians crossing streets shall apply to persons crossing a street on roller skates or a skateboard. No person crossing a street on roller skates or on a skateboard shall travel too fast for safety of other persons using the crosswalk. No

person shall roller skate or ride a skateboard in the downtown commercial district or in the public parking areas. (*Ord. 2007-6*)

2. Sidewalks. No person shall roller skate or ride a skateboard in a reckless manner on any public sidewalk and no person shall ride a skateboard or roller skate on a sidewalk without exercising due care for the safety of other persons using the sidewalk. No person shall roller skate or ride a skateboard in the downtown commercial district or in the public parking areas. (*Ord. 2007-6*)
3. Unauthorized use of Private Property and Public Parking Areas. No person shall roller skate or ride a skateboard on privately owned property unless said person shall have the permission of the owner of the property.
4. Notification. Any person or entity owning or operating a public or private area may notify the police to remove or cause to be removed any person roller skating or skateboarding on their property.

15.06 PARKING FOR SALE OR REPAIR.

No person shall stand or park a vehicle within any public right of way for the principal purpose of displaying it for sale, as signage, or for washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

15.07 VEHICLE USE AND LICENSE.

(a) Definition. For purposes of this section the term “motor vehicle” means any self-propelled motor driven device upon which a person or property is or may be transported upon a road, except devices that are moved or propelled by muscular power, and shall include, but not be restricted to, any vehicle defined as a “motor vehicle” under the Illinois Vehicle Code, and any vehicle commonly known as a “motorcycle.”

(b) License Required. It shall be unlawful for any person residing in the Village, or for any firm, association or corporation having its principal office or place of business in the Village, to use for more than 30 days any motor vehicle in the transportation of persons or property or the conveyance of loads upon the streets, avenues or alleys of this Village unless such motor vehicle is licensed as hereinafter provided.

(c) License Fee. (*Ord. 2013-05; Ord. 2015-08*) All persons subject to this section shall pay an annual license fee of \$20.00 for each motor vehicle other than a motorcycle, and \$10.00 for each motorcycle. Any individual providing proof that they are 65 years of age or older will receive a Senior Discount of \$5.00 off the purchase of their motor vehicle license. Additionally, any individual providing a valid handicap placard and identification will receive a Discount of \$5.00 off the purchase of their motor vehicle license, effective April 1, 2016. Upon receipt of the license fee a gummed tag or sticker shall be issued by the Village. Such gummed tag or sticker shall be affixed to the windshield, or if no windshield, on some other prominent part of the motor vehicle where it can be readily seen. It shall be unlawful for any

Village licensed motor vehicle to be used upon the streets, avenues or alleys of the Village unless such tag or sticker is attached thereto.

All license fees must be paid on or before the first day of May of each year. Beginning May 2nd an additional \$6.00 fee shall be charged for each license purchased within 60 days after the May 1st due date; upon July 1st the fee shall be doubled. New residents or residents purchasing a new or additional vehicle shall be given 30 days to purchase a Village license without additional charge. A pro-rated fee will be assessed to any new resident purchasing a vehicle license after August 1st.

15.08 PARKING PLACES RESERVED FOR PERSONS WITH DISABILITIES.

(a) Parking Prohibitions. The parking of any motor vehicle not bearing registration plates or decals issued to a person with disabilities, as defined in the Illinois Motor Vehicle Code, is prohibited in the following places:

1. Liberty Street, on the north side, the first parking stall west of Main Street;
2. Village Parking Lot, the first north-east parking stall;
3. Broadway, on the north side west of Main St (U.S. Route 12); and
4. Any other parking space or stall properly posted by the Village

(b) Penalty. Any person, firm or corporation violating this Section shall be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*)

15.09 U-TURNS.

It shall be unlawful for a driver of any vehicle to turn such vehicle so as to proceed in the opposite direction upon the following streets in the Village:

1. On Main Street (U.S. Route 12) at its intersection with Broadway; and
2. On Mill Street east bound at the United States postal service office, and
3. On Broadway at the Village parking lot.

15.10 TRAFFIC CONTROL SIGNALS.

Pursuant to 625 ILCS 5/11-304, traffic control signals are hereby designated at the following intersections of the Village. Stop signs may be employed at such times when the traffic control signals are not in working order:

1. At the intersection of Main Street and Kenosha Street (U.S. Route 12 and Illinois Route 173).
2. At the intersection of U.S. Route 12, Illinois Route 31 and Tryon Grove Road
3. On Broadway at the Village Parking Lot

15.11 PROHIBITED TURNS.

Turns shall be prohibited at the following intersections, at the direction indicated:

| Intersection | Prohibited Turn | From | Direction | To |
|-------------------------------------|------------------------|-----------------------------|------------------|---------------------|
| George and Charles streets | Right | Charles Street | Northbound | George Street |
| Swallow Ridge Drive and Main Street | Left | Main Street (U.S. Route 12) | Eastbound | Swallow Ridge Drive |

15.12 SPEED LIMITS.

(a) Speed Limits. Except as provided herein, the speed limit for all residential streets in the Village shall be 20 miles per hour. The following speed limits shall be observed on the designated roadways within the Village:

20 miles per hour

Broadway from East Street to the 6000 block of Broadway Street
Commercial Avenue from Liberty Street to Ami Street Drive

30 miles per hour

Ami Drive from Main Street (U.S. Route 12) to the 5900 block of Ami Drive
Broadway from the 6000 block to the 6100 block of Broadway
Commercial Avenue from Ami Drive to Main Street (U.S. Route 12)
Main Street (U.S. Route 12) from May Avenue to Prospect Street

35 miles per hour

Kenosha Street (Illinois Route 173) from the eastern limits to the 5800 block of Kenosha Street
Main Street (U.S. Route 12) from the 10900 block to the 10400 block of Main Street
Main Street (U.S. Route 12) from May Avenue to Prospect Street

40 miles per hour

Broadway from the 6100 block to Kenosha Street (Illinois Route 173);
Main Street (U.S. Route 12) from Burlington Road to the 10900 block of Main Street

45 miles per hour

Kuhn Road from Main Street (U.S. Route 12) to the 4200 block of Kuhn Road
Main Street (U.S. Route 12) from the Village's northern limits to Burlington Road
Main Street (U.S. Route 12) from Prospect Street to Hill Road
Tryon Grove Road from Main Street (U.S. Route 12) to the 6100 block of Tryon Grove Road

50 miles per hour

Main Street (U.S. Route 12) from Hill Road to Tryon Grove Road

Main Street (U.S. Route 12) from Tryon Grove Road to the Village’s eastern limits

55 miles per hour

Burlington Road from Main Street (U.S. Route 12) to the 11500 block of Burlington Road
 Illinois Route 31 from Main Street (U.S. Route 12) to the 8300 block of Illinois Route 31
 Tryon Grove Road from the 6100 block to the 6500 block

(b) Penalty: The penalty for any violation of this Section shall be in accordance with Section 15.01.

15.13 YIELD INTERSECTIONS.

Pursuant to 625 ILCS 5/11-304, yield signs are designated at the following intersections:

| TRAFFIC ON | YIELDS AT |
|-------------------|------------------|
| Charles Street | Market Street |
| East Street | Broadway |
| East Street | South Street |
| George Street | Market Street |
| George Street | Charles Street |

15.14 NO PARKING ZONES.

(a) No person shall stand permit any vehicle to stand or be parked in any location within the Village where, at the direction of the Village Police Chief, the Village has erected signs, barriers or other devices to prohibit parking.

(b) No person shall permit any vehicle to stand or be parked in any of the following posted locations during the designated times:

| STREET | FROM | TO | HOURS |
|-------------------------|-------------------------|---|--------------|
| Main Street, west side | northern Village limits | Mill | Anytime |
| Main Street, west side | George | north line of premises located at 10011 Main Street | Anytime |
| Main Street, east side | Kenosha Street | Mill | Anytime |
| Main Street, east side | northern Village limits | Walnut | Anytime |
| Main Street, east side | George | south | Anytime |
| Main Street, both sides | May | southern Village limits | Anytime |
| Main, both sides | Mill | 44 feet south of the intersection of the south | Anytime |

| STREET | FROM | TO | HOURS |
|------------------------------|-----------------------|--|---|
| | | line of Mill Street and Main Street | |
| Main Street, both sides | Broadway | 44 feet north of the intersection of the north line of Broadway and Main Street | Anytime |
| Main Street, both sides | Broadway | 25 feet south of the intersection of the south line of Broadway and Main Street | Anytime |
| Main Street, both sides | George | 28 feet north of the intersection of the north side of George Street and Main St | Anytime |
| George Street, north side | Main | 300 feet east of the intersection of Main and George streets | Anytime |
| Mill Street, both sides | railroad right of way | West Street | Anytime |
| Golden Hawk Road, both sides | Partridge Trail | U.S. Route 12 | Anytime |
| Ami Drive, both sides | U.S. Route 12 | Commercial | Monday-Friday between 7 a.m. and 5 p.m. |

(c) Any vehicle found to be in violation of this section may be towed and liability for the cost of such towing and storage shall be joint and several by the owner and operator of the vehicle. Such payment of towing and storage costs shall be in addition to any fine that may be levied, upon conviction, for a violation of this section.

15.15 LIMITED PARKING HOURS.

(a) Parking Hours. (*Repealed Ord. 2007-6*)

(b) All Night Parking. When signs are erected at the entrances of highways into the Village giving notice thereof, no person shall park a vehicle for longer than 30 minutes between the hours of 2 a.m. and 6 a.m. on any day, except physicians on calls.

(c) Parking Over 48 Hours. No person shall park any vehicle on any street for a period of more than 48 hours consecutively.

(d) Municipal Parking Lots. The following rules and regulations shall apply to all municipal parking lots:

1. The parking of commercial vehicles shall be prohibited. For purposes of this Section, commercial vehicles are hereby described as vehicles registered under the Illinois Vehicle Code with “B” license plates.
2. No motor vehicle shall be parked in excess of 24 hours. Any vehicle that remains in a municipal parking lot for a period in excess of 48 hours is hereby declared to be an abandoned vehicle and the vehicle may be towed in accordance with the provisions of the Illinois Motor Vehicle Code, (Chapter 625 ILCS 5/4-202). Any individual in violation of this Section shall be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*)
3. No person or owner shall park a motor vehicle in a municipal parking lot or within any public right of way for the principal purposes of displaying it for sale, as signage, or for washing, greasing or repairing such vehicle, except repairs necessitated to be an emergency.
4. No motor vehicle defined as “junk vehicle” in accordance with the provisions of Section 12.08 shall be parked at any time in the municipal parking lot. Any and all junked motor vehicles shall be subject to being towed by the Village immediately without notice to the owner and shall be impounded in accordance with the provisions of Section 12.08(e).
5. No motor vehicle commonly used for camping and no camping trailer as defined by the Illinois Vehicle Code shall be parked in a municipal parking lot overnight.

15.16 CARELESS DRIVING. (*Ord. 2013-01*)

It shall be unlawful for any person to drive carelessly within the Village. For purposes of this Section, careless driving is failure to maintain a vehicle under control, exceeding the posted speed limit by more than 10 miles per hours or operating a vehicle in any manner other than as permitted by law. Any person who violates any provision of this Section may have conditions imposed by the court, including but not limited to victim impact panel, attendance at traffic safety school, drug and alcohol substance abuse counseling and payment of applicable fines, not exceed \$750.

15.17 STOP INTERSECTIONS.

Pursuant to 625 ILCS 5/11-302, stop signs are hereby designated at the following intersections:

TRAFFIC ON

Ami Drive, eastbound
Broadway, west and eastbound
Broadway, eastbound
Broadway, westbound

STOPS AT

Main Street (U.S. Route 12)
Main Street (U.S. Route 12)
East Street
Kenosha Street (Illinois Rt173)

Charles Street, southbound
 Charles Street, northbound
 Circle Drive, southbound
 Commercial Avenue, north and southbound
 Commercial Avenue, southbound
 Commercial Avenue, northbound
 Commercial Avenue, north and southbound
 Commercial Avenue, north and southbound
 Covell Street, northbound
 Covell Street, southbound
 East Street, northbound
 East Street, southbound
 Elm Street, eastbound
 Elm Street, westbound
 Front Street, eastbound
 Front Street, westbound
 George Street, eastbound
 Golden Hawk Road, westbound
 Golden Hawk Road, east and westbound
 Golden Hawk Road, east and westbound
 Golf Avenue, southbound
 Grouse Lane, northbound
 Hill Road, westbound
 Hillcrest Drive, northbound at Charles Street
 Hillcrest Drive, northbound at Covell Street
 Hunt Club Road, southbound
 Hunter Drive, eastbound
 Hunter Drive, westbound
 Kuhn Road, east and westbound
TRAFFIC ON
 Kuhn Road, west bound
 Liberty Street, eastbound
 May Avenue, westbound
 Market Street, westbound
 Market Street, eastbound
 Market Street, eastbound
 Market Street, westbound
 McConnell Drive, northbound
 Mill Street, east and westbound
 Milwaukee Avenue, eastbound
 Milwaukee Avenue, eastbound
 Milwaukee Avenue, eastbound
 Milwaukee Avenue, eastbound
 Milwaukee Avenue, westbound
 Milwaukee Avenue, westbound
 Mourning Dove Circle, southbound, at Quail
 Crossing and Grouse Lane

South Street
 George Street
 May Avenue
 Ami Drive
 Liberty Street
 Main Street (U.S. Route 12)
 West Street
 Williams Street
 Broadway
 South Street
 George Street
 South Street
 Main Street (U.S. Route 12)
 Commercial Avenue
 Main Street (U.S. Route 12)
 Commercial Avenue
 Main Street (U.S. Route 12)
 Main Street (U.S. Route 12)
 Mourning Dove Circle
 Grouse Lane
 May Avenue
 Golden Hawk Road
 Main Street (U.S. Route 12)
 South Street
 South Street
 Kenosha Street (IL Route 173)
 Prairie Ridge
 Main Street (U.S. Route 12)
 at railroad crossing
STOP AT
 U.S. Route 12
 Main Street (U.S. Route 12)
 Main Street (U.S. Route 12)
 Main Street (U.S. Route 12)
 Charles Street
 Main Street (U.S. Route 12)
 West Street
 Broadway
 Main Street (U.S. Route 12)
 Silvertrees
 William Street
 Covell Street
 West Street
 William Street
 Silvertrees

 Golden Hawk Road

| | |
|-----------------------------------|-----------------------------|
| Nippersink Drive, southbound | May Avenue |
| North Lane, southbound | Valley Drive |
| North Lane, northbound | May Avenue |
| Partridge Lane, northbound | Golden Hawk Road |
| Pheasant Lane, westbound | Partridge Lane |
| Prairie Ridge, southbound | Hill Road |
| Prospect Street, eastbound | Prairie Ridge |
| Prospect Street, westbound | Main Street (U.S. Route 12) |
| Quail Crossing, northbound | Golden Hawk Road |
| South Street, east and westbound | Main Street (U.S. Route 12) |
| Swallow Ridge Drive, westbound | Main Street (U.S. Route 12) |
| Swallow Ridge Drive, eastbound | Thrush Creek Drive |
| Teal Trail, northbound | Pheasant Lane |
| Thorn Bird, southbound | Thrush Creek Drive |
| Valley Drive, east and westbound | North Lane |
| Walnut Street, east and westbound | Main Street (U.S. Route 12) |
| Walnut Street, westbound | Commercial Avenue |
| West Street, northbound | Broadway |
| West Street, southbound | South Street |
| William Street, northbound | George |
| William Street, southbound | George |
| Wilson Road, eastbound | Burlington Road |
| Wilson Road, westbound | Main Street (U.S. Route 12) |
| Wood Duck Lane, westbound | Golden Hawk Road |

(Updated 9/16/2010, Ord. 2010-06)

15.18 VEHICLE SEIZURE AND IMPOUNDMENT. *(Ord. 2012-07)*

(a) Violations Authorizing Seizure: A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to seizure and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative penalty found in Appendix A of this Code, in addition to costs of prosecution and any towing and storage fees as hereinafter provided:

1. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1 (Criminal Code of 1961); or
2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501(a); or
3. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or

4. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act (720 ILCS 570/402); or
5. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/24-1 (Unlawful Use of Weapons), 720 ILCS 5/24-1.5 (Reckless Discharge of a Firearm), or 720 ILCS 5/24-3.1 (Unlawful Possession of Firearms and Firearm Ammunition) (Criminal Code of 1961); or
6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to 625 ILCS 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
7. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the 720 ILCS 550/3 (Cannabis Control Act) or 720 ILCS 570/102 (Illinois Controlled Substances Act); or
8. Operation or use of a motor vehicle with an expired driver's license, in violation of 625 ILCS 5/6-101, if the period of expiration is greater than one year; or
9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated 625 ILCS 5/6-101, 6-303, or 11-501; or
11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/16, *et seq.*, or 720 ILCS 5/16A, *et seq.*; or
12. Any other circumstances under which the vehicle may be towed pursuant to this Code, the Richmond Police Department Operations Procedures, or the Richmond Police Department Administrative Procedures.

(b) General Regulations:

1. This Section shall not replace or otherwise abrogate any existing State or federal laws or Village ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to

any penalties that may be assessed by a court for any criminal charges.

2. The administrative penalty under this Section shall be waived if the vehicle used in the violation was stolen at that time and the Village is provided with verifiable proof that the vehicle was stolen.
3. Fees for towing and storage of a vehicle under this Section shall be those approved by the Chief of Police for all towers authorized to tow for the Police Department.

(c) Notice: Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. At the time the vehicle is towed, the Village shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself of herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing. The Village shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the Village a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(d) Preliminary Hearing: If the owner of record of a vehicle seized pursuant to this Section desires to appeal the seizure, said owner must make a request for said hearing within 24 hours of the seizure. Said request shall be in writing and filed with the Chief of Police or designee who shall conduct such preliminary hearing within 24 hours after receipt of the request excluding Saturdays, Sundays, or Village holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the Chief of Police or the designee determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Section, the Chief or the designee shall order the continued impoundment of the vehicle as provided in this Section, unless the owner of the vehicle posts with the Village a cash bond found in Appendix A plus costs of prosecution and pays the tower any applicable towing and storage fees. If the Chief of Police or the designee determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(e) Administrative Hearing:

1. All owners of record of seized and impounded vehicles shall be provided with a notice of hearing within five business days after a vehicle is seized and impounded pursuant to this Section. The Village shall notify the owner of record at the owner's address as registered by the Secretary of State or any other applicable

governmental agency, by first class mail, of the date, time, and location of a plea hearing that will be conducted in accordance with Chapter 10, Code Hearing Department. Unless waived by the owner of record, a hearing shall be scheduled within 45 days of the mailing of the notice of hearing.

2. The owner will appear at a hearing and enter a plea of guilty or not guilty. If, after the hearing, the Administrative Law Judge determines by a preponderance of evidence that the vehicle was used in connection with a violation set forth in this Section, the Administrative Judge shall enter a written order finding the owner of record of the vehicle civilly liable to the Village for an administrative penalty found in Appendix A and requiring the vehicle to continue to be impounded until the owner pays the administrative penalty plus costs of prosecution to the Village plus fees to the tower for the towing and storage of the vehicle. If the owner of record fails to appear at the hearing, the Administrative Law Judge shall enter a default order in favor of the Village.
3. If, after the hearing, the Administrative Law Judge does not determine a preponderance of the evidence that the vehicle was used in such violation, the Administrative Law Judge shall enter a written order finding for the owner and for the immediate return of the owner's vehicle or cash bond without fees.
4. The final decisions of the Administrative Law Judge shall be subject to judicial review under the provisions of administrative review law.

(f) Administrative Penalty: If an administrative penalty is imposed pursuant to this Section, such penalty shall constitute a debt due and owing to the Village unless stayed by a court of competent jurisdiction. If a cash bond has been posted pursuant to this Section, the bond shall be applied to the penalty. The Village may seek to obtain a judgment on the debt and enforce such judgment against the vehicle after the deadline for seeking review under administrative review law has passed. Except as provided otherwise in this Section, a vehicle shall continue to be impounded until the penalty plus costs of prosecution are paid to the Village and any applicable towing and storage fees are paid to the tower, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle, or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the administrative penalty, costs, and applicable fees are not paid within 35 days after the Administrative Law Judge issues a written decision the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

(g) Vehicle Possession:

1. Except as otherwise specifically provided by law, no owner, lien holder, or other person shall be legally entitled to take possession of

a vehicle impounded under this Section until the administrative penalty, costs, and fees applicable under this Section have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if such person agrees in writing to refund to the Village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay lien holders of record, not to exceed the administrative penalty, plus the applicable costs and fees.

2. For purposes of this Section, the “owner of record” of a vehicle is the record title holder as registered with the Illinois Secretary of State or any other applicable governmental agency.

(h) Bail Bond Fee:

1. The Police Department shall charge the administrative processing fee found in Appendix A for posting bail or bond in any legal process, civil or criminal, or on any bookable arrest, including a warrant, to be levied and paid at the time of posting said bail or bond.
2. In order for the fee to be assessed, the subject must be processed in the Police Department’s booking room and post bond at the Police Department.
3. Exception: The processing fee shall not be charged to a subject if the individual is incurring the administrative vehicle impoundment penalty.
4. If the administrative processing fee is imposed pursuant to this Section, such penalty shall constitute a debt due and owing to the Village, and the Village may seek to obtain a judgment on the debt and enforce such judgment as provided by law.