

VILLAGE OF FOREST VIEW

ORDINANCE NO. 25-08

**AN ORDINANCE AMENDING TITLE 1 ENTITLED
ADMINISTRATIVE OF THE FOREST VIEW
MUNICIPAL CODE BY ADDING THERETO
CHAPTER 36 ENTITLED “ADMINISTRATIVE ADJUDICATION
OF MUNICIPAL ORDINANCE VIOLATIONS”**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS, this 8th
DAY OF APRIL, 2025.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Forest View, Cook
County, Illinois, this 8th day
of April, 2025.**

VILLAGE OF FOREST VIEW

AN ORDINANCE AMENDING TITLE 1 ENTITLED ADMINISTRATIVE OF THE FOREST VIEW MUNICIPAL CODE BY ADDING THERETO CHAPTER 36 ENTITLED “ADMINISTRATIVE ADJUDICATION OF MUNICIPAL ORDINANCE VIOLATIONS”

WHEREAS, the Village of Forest View, Cook County, Illinois, is a home rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois; and

WHEREAS, pursuant to the express grant of authority as set forth in and codified in Division 2.1 of Article 1 of the Illinois Municipal Code (65 ILCS 5/1-2.1-1, *et seq.*), the Corporate Authorities of the Village of Forest View may adopt, by ordinance, a Code Hearing Unit as a system for the administrative adjudication of certain municipal code violations pursuant to 65 ILCS 5/1-1.2-1; and

WHEREAS, the Corporate Authorities of the Village of Forest View have determined that it is in the best interest of the Village of Forest View to amend **Title 1**, of the Village Code of Ordinances, in the manner hereinafter set forth, to create a Code Hearing Unit and system of administrative adjudication of municipal code violations, as a non-exclusive method of enforcing the various provisions of the Village of Forest View Municipal Code, and related codes and ordinances, consistent with the provisions of 65 ILCS 5/1-2.1-1.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Forest View, Illinois as follows:

SECTION 1. Recitals. The foregoing recitals are adopted as express findings of the

Corporate Authorities of the Village of Forest View and are incorporated herein by specific reference.

SECTION 2. That **Title 1** entitled “**Administrative**” of the Municipal Code of the Village of Forest View, as amended, is hereby further amended by adding thereto **Chapter 36** entitled “Administrative Adjudication of Municipal Code Violations”, to read as follows:

CHAPTER 36 – ADMINISTRATIVE ADJUDICATION OF MUNICIPAL CODE VIOLATIONS.

1-36-1. PURPOSE. The stated purpose of this Chapter is to provide for the fair and efficient enforcement and expeditious resolution of municipal ordinance violations, as may be allowed by law and directed by this or any other ordinance, through the administrative adjudication of violations of Village ordinances and by establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties.

1-36-2. DEFINITIONS. As used in this Chapter, unless the context requires otherwise:

- (A) “Building Code” means any municipal ordinance, law, housing, or building codes or zoning ordinances that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures and property in the Village of Forest View or any Village ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from private property;
- (B) “Code” means the Forest View Municipal Code of Ordinances; and all adopted codes but excluding any offense under the Illinois Motor Vehicle Code (625 ILCS 5/1-100, *et seq.*) or a similar offense that is traffic regulating governing the movement of vehicles. The term code shall also include all traffic regulations concerning the standing, parking or condition of motor vehicles as set forth in Section 11-208.3 of the Illinois Motor Vehicle Code (625 ILCS 5/11-208.3);
- (C) “Building Inspector” means any state, county, fire protection district or municipal employee or contracted inspector whose duties include the inspection or examination of structures in the Village to determine if building code property maintenance code or fire code or other adopted code violation exists;
- (D) “Building Owner” means the legal, equitable, or beneficial owner of a structure;
- (E) “Hearing Officer” means an attorney whose duty it is to:

1. preside at an administrative hearing called to determine whether or not a building code or other code violation exists;
 2. hear testimony and accept evidence from all interested parties relevant to the existence of a building code violation or other code violation;
 3. preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
 4. issue and sign written Findings, Decisions and Orders as to whether a Code violation exists.
- (F) “Respondent” means any person, corporation, partnership, whether such ownership is legal or equitable, charged with a violation of any ordinance of the Village of Forest View, or its Municipal Code of Ordinances, or any of its adopted codes.
- (G) “Code Violation” means any infraction or violation of any Village of Forest View municipal ordinance, or violation of any building code, law or rule or code adopted by reference.
- (H) “Village” means the Village of Forest View, Cook County, Illinois.

1-36-3. CREATION OF CODE HEARING UNIT; JURISDICTION. There is hereby created within the Village of Forest View an executive department of the municipal government to be known as the Code Hearing Unit, which is authorized to provide for and operate a “system of administrative adjudication,” which shall be defined as the adjudication of any code violation or any other municipal ordinance violation of the Village of Forest View, including, but not limited to, those actions brought pursuant to the Municipal Code of the Village of Forest View, as well as the zoning ordinance (Unified Development Ordinance or UDO) and adopted codes such as the building code, fire code, plumbing code, electrical code, property maintenance code and health and sanitation codes of the Village of Forest View, standing, parking and condition of vehicle (compliance) violations brought pursuant to authority granted the Village by Section 11-208.3 of the Illinois Motor Vehicle Code (625 ILCS 5/11-208.3) and hereby adopted, excluding only those proceedings not within the statutory authority granted to the Village, specifically any offense under the Illinois Motor Vehicle Code (625 ILCS 5/1-100, *et seq.*) or similar offense that is a traffic regulation governing the movement of vehicles, and any reportable offense under Section 6-204 of the Illinois Motor Vehicle Code shall not be subject to administrative adjudication pursuant to the provisions of this Ordinance.

1-36-4. HEARING PROCEDURES NON-EXCLUSIVE. The provisions of this Chapter shall not preclude the Village from using other methods or proceedings to enforce the ordinances of the Village of Forest View, including, but not limited to, the institution of any action in the Circuit Court of Cook County, Illinois, or any other authorized proceeding.

- (A) Administrative Adjudication Hearings for Automated Traffic Enforcement violations shall be subject to the provisions and procedures of **Title 9, Chapter 1**, of this Code.

1-36-5. CODE HEARING UNIT. The Code Hearing Unit shall be composed of an Administrative Hearing Officer, an Ordinance Enforcement Administrator, the Chief of Police or his designee, hearing room personnel, and any other duly appointed person or persons deemed necessary for the efficient administration of the Code Hearing Unit, with the following powers, duties, and authority:

- (A) All adjudicatory hearings shall be presided over by an Administrative Hearing Officer who shall be an attorney licensed to practice law in the State of Illinois for no less than three (3) years. The Administrative Hearing Officer shall be appointed by the Mayor with the advice and consent of the Village Board. Prior to conducting administrative adjudication hearings, the Administrative Hearing Officers shall have successfully completed a formal training program which includes the following:
1. instruction on the rules of procedure of the administrative hearings which they will conduct;
 2. orientation to each subject area of the code violations that they will adjudicate;
 3. observation of administrative hearings; and
 4. participation in hypothetical cases, including ruling on evidence and issuing final orders.
 5. A person who has served as a judge in Illinois is not required to fulfill the requirements of items (1) through (4) of this subsection.
- (B) Administrative Hearing Officers are hereby authorized, empowered and directed to:
1. preside over the administrative hearings established herein, as the adjudicator;
 2. administer oaths;
 3. hear testimony and accept evidence that is relevant to the existence of an ordinance violation;
 4. issue subpoenas directing witnesses to appear and give relevant testimony at the hearing or produce records or documents, upon the request of the parties or their representatives;

5. rule upon objections and the admissibility of evidence;
6. preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing;
7. issue a determination, based on the preponderance of the evidence presented at the hearing, of whether a code violation occurred or exists. The Administrative Hearing Officer's determination shall be in writing and shall include written findings of fact, decision, and order including the fine, penalty, including a reasonable amount of public or community service, or other action with which the Respondent must comply; and
8. impose penalties consistent with applicable code provisions and assessing costs upon finding a party liable for the charged violation, except, however, that in no event shall the hearing officer have authority to (i) impose a penalty of incarceration, or (ii) impose fines in excess of Fifty Thousand Dollars (\$50,000.00), or at the option of the municipality, such other amount not to exceed the maximum amount established by the Mandatory Arbitration System as prescribed by the Rules of the Illinois Supreme Court, from time to time in effect, for the Circuit Court of Cook County.

The Administrative Hearing Officer shall not be authorized to levy a total fine and penalty in excess of Two Hundred Fifty Dollars (\$250.00) for any one violation of a standing, parking or compliance regulation except that the total fine and penalty for any one violation of Section 11-1301.3 of the Illinois Vehicle Code (625 ILCS 5/11-1301.3) or similar provision of the Village of Forest View Municipal Code of Ordinances regarding parking for persons with disabilities, shall not exceed Three Hundred Fifty Dollars (\$350.00).

9. The maximum monetary fine under this subsection (B)(8) of this Section shall, except as may otherwise be provided, be exclusive of costs of enforcement or costs incurred by the Village to secure compliance with the Village's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village of Forest View.
10. Retain jurisdiction of any adjudicated matter to monitor Respondent compliance with any order issued by the hearing officer, including for the Respondent to perform community or public service work and/or to complete an education program as may be authorized by this Code.

1-36-6. ORDINANCE ENFORCEMENT ADMINISTRATOR. The Ordinance Enforcement Administrator shall either be an employee of the Village or an independent contractor or agency contracted by the Village to perform such duties as enumerated herein. The Ordinance Enforcement Administrator is hereby authorized, empowered and directed

to:

- (A) operate and manage the system of administrative adjudication of vehicular standing and/or parking regulation violations, vehicle compliance violations, vehicle license or sticker requirement violations, building, fire and health code violations, and all other Village of Forest View Municipal Code violations as may be permitted by law and directed by ordinance;
- (B) adopt, distribute, and process all notices as may be required under this Ordinance or as may reasonably be required to carry out the purpose of this Chapter;
- (C) collect moneys paid as fines and/or penalties assessed after a determination of liability;
- (D) certify copies of final determinations of vehicular standing and/or parking regulation violation liability, vehicle compliance violations, vehicle license or sticker requirement violations, building, fire and health code violations or any other ordinance violation adjudicated pursuant to this Chapter, as may be necessary;
- (E) certify reports to the Secretary of State of Illinois concerning initiation of suspension of driving privileges in accordance with the provisions herein and those of 625 ILCS 5/6-306.5, as may be applicable;
- (F) promulgate rules and regulations reasonably required to operate and maintain the system of administrative adjudication hereby established; and
- (G) collect unpaid fines and penalties including the use of private collection agencies that may be retained by the Village or by directing the Village Attorney to file complaints in the Circuit Court of Cook County, or by selecting or appointing an individual or agency to act on behalf of the Village in filing complaints, seeking judgments for unpaid fines or penalties and pursuing all post-judgment remedies available under current law. All costs incurred in enforcing or collecting unpaid fines or penalties shall be assessed to the Respondent.

1-36-. ADDITIONAL DUTIES OF ORDINANCE ENFORCEMENT OFFICER. The Ordinance Enforcement Administrator is hereby further authorized, empowered, and directed to operate and maintain computer programs for the system of administrative adjudication hereby established, on a day-to-day basis, including, but not limited to:

- (A) inputting of violation notice information;
- (B) establishing hearing dates and notice dates;
- (C) recording fine and penalty assessment and payments;

- (D) issuing payment receipts;
- (E) issuing succeeding notices of hearing dates and/or final determinations of liability and issuing notices, as may be required by this Code or by 65 ILCS 5/1-2.1-1, et seq. of impending driver's license suspension, as may be required, in accordance with the Illinois Vehicle Code;
- (F) keeping accurate records of appearances and non-appearances at administrative hearings, pleas entered and fines and other penalties assessed and paid.

1-36--8. HEARING ROOM PERSONNEL. Hearing room personnel shall be appointed by the Chief of Police and may include any police officer or auxiliary police officer, and such persons 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 Courts of Illinois;
- (C) perform such other duties or acts as may reasonably be required and as directed by the Administrative Hearing Officer or the Ordinance Enforcement Administrator.

1-36-9. COMPENSATION OF CODE HEARING UNIT PERSONNEL. Authorization for compensation for each of the above-stated positions shall be made by the Mayor and Board of Trustees through the annual appropriation process, and such compensation shall be determined by the Village Board.

1-36-10. COMPLAINTS; NOTICES OF HEARINGS AND INSTITUTING HEARINGS.

- (A) The system of administrative adjudication of ordinance violations shall afford all parties due process of law, including notice of a hearing and an opportunity to be heard.
- (B) A proceeding before an Administrative Hearing Officer shall be instituted upon the filing of a written notice of violation or complaint by any authorized official of the Village, including police officers, community service officers and/or code enforcement officers, and such other employees, agents or contractors, as may be authorized to issue notices of violation of Village ordinances.
- (C) Respondents shall be served with a copy of the notice of violation or complaint along with a notice of adjudicatory hearing in any manner reasonably calculated to give them actual notice of the proceeding instituted against them including:
 - 1. personal service upon a party;

2. service by certified mail return receipt requested at the party's address;
3. service by first class mail postage prepaid at the party's address; or
4. service by posting a copy of the sworn pleading or complaint upon the property where the violation is found when the Respondent party is the owner or manager of the property; and
5. in the case of a motor vehicle parking, standing or compliance regulation service of the violation notice shall be by affixing the notice to the vehicle.

(D) Notices of the adjudicatory hearing shall include:

1. the date, time, type, nature, and location of the alleged ordinance violation to be adjudicated, and the signature and identification number, if applicable, of the person issuing the violation;
2. the date, time, and location of the adjudicatory hearing;
3. the legal authority and jurisdiction under which the hearing is to be held; and
4. the penalties for failure to appear at the hearing and in the case of a motor vehicle parking, standing or compliance violation, the amount of the fine, any penalty for late payment and that payment of the fine shall act as a final disposition of the violation.
5. the correctness of the facts contained in the violation notice shall be certified by the issuing person by:
 - (i) signing his or her name or identification number to the violation notice at the time of issuance.
 - (ii) any violation notices, citations issued, signed, and served in accordance herewith, or a copy of the notice or computer-generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts alleged therein, and shall be admissible in any subsequent administrative or legal proceeding.

1-36-11. ADMINISTRATIVE HEARING PROCEDURES. Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the Administrative Hearing Officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency

situations, if requested by the Respondent, the Respondent shall have at least fifteen (15) days after service of process to prepare for a hearing. For purposes of this subsection, “non-emergency situation” means any situation that does not reasonably constitute a threat to the public interest, safety, health, or welfare. If service of the notice of violation is provided by mail, the fifteen (15)-day period shall begin to run on the day that the notice is deposited in the mail.

- (A) Recording: All hearings shall be recorded.
- (B) Failure to Appear: Persons who do not appear on their scheduled administrative hearing date shall have a default judgment entered against them.
- (C) Representation by Attorney: Persons appearing to contest an alleged Code or ordinance violation on its merits may be represented by counsel of their own choice at their own expense, present witnesses, present testimony, and documents and cross-examine opposing witnesses. Parties may request the Administrative Hearing Officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents.
- (D) Village’s Presentation of Case: The case for the Village may be presented by a Village employee, the Village Prosecutor, or by an attorney designated by the Village Attorney, but not by an employee or other representative of the Code Hearing Unit, subject to the following exception: documentary evidence prepared by another department of the Village and submitted to the Code Hearing Unit may be presented at the hearing by the Administrative Hearing Officer.
- (E) Respondent’s Presentation of Case: The case for the Respondent may be presented by the Respondent or by an attorney on behalf of the Respondent. Corporate or limited liability company Respondents must be represented by an attorney. An attorney or agent appearing at an administrative hearing on behalf of a Respondent shall present the Administrative Hearing Officer with a signed appearance form stating on oath or affirmation that he or she has been authorized by the defendant to represent the defendant at the hearing.

1-36-12. RULES OF EVIDENCE SHALL NOT GOVERN. The formal and technical rules of evidence shall not apply in an adjudicatory hearing authorized under this section. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

1-36-13. JUDICIAL REVIEW. Any final decision by an Administrative Hearing Officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and that decision shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101, *et seq.*).

1-36-14. ENFORCEMENT OF JUDGMENT.

- (A) Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law is a debt due and owing the Village of Forest View and may be collected in accordance with applicable law.
- (B) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of an ordinance violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the Administrative Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- (C) In any case in which a Respondent has failed to comply with a judgment ordering that Respondent to correct an ordinance violation or imposing any fine or other sanction as a result of an ordinance violation, any expenses incurred by the Village to enforce the judgment entered against that defendant, including, but not limited to, attorney's fees, court costs, fees charged by private collection agencies, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the Village of Forest View and may be collected in accordance with applicable law. Prior to any expenses being fixed by the Administrative Hearing Officer pursuant to this section, the Village shall provide a notice to the Respondent that states that the Respondent shall appear at a hearing before the Administrative Hearing Officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by first class mail, the seven (7)-day period shall begin to run on the date that the notice was deposited in the mail.
- (D) Upon being recorded in the manner required by Article XII of the Illinois Code of Civil Procedure (735 ILCS 5/12-101, *et seq.*), or by the Uniform Commercial Code (810 ILCS 5/1-101, *et seq.*), a lien shall be imposed on the real estate or personal estate, or both, of the Respondent in the amount of any debt due and owing the Village under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.
- (E) The Administrative Hearing Officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed by the Respondent within thirty (30) days after the issuance of the order of default, if the Administrative Hearing Officer determines that the Respondent's failure to appear at the hearing was for good cause, or at any time if the Respondent establishes, by a preponderance of the evidence, that the Village did not provide proper service of process. If any judgment is set aside pursuant to this subsection, the Administrative Hearing Officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default judgment. When a

judgment is vacated, the Administrative Hearing Officer shall set a new date for a hearing on the underlying violation(s).

1-36-15. PROCEDURES FOR STANDING, PARKING AND VEHICLE COMPLIANCE VIOLATIONS. The procedures for the system of administrative adjudication of vehicular standing, parking, and condition of vehicles (compliance), violations of **Title 9, Chapter 2 and Title 9, Chapter 4** of the Village Code shall be as follows:

- (A) Violation Notice: A vehicular standing, parking, and compliance regulation notice (“violation notice”) shall be issued by the persons authorized by this Section and shall contain information and shall be served, certified and have evidentiary admissibility as is hereinafter set forth.
- (B) Authorization: All full time or part time police officers, community service officers, and all code enforcement personnel shall have the authority to issue violation notices.
- (C) Detection of Violations: Any individual authorized to issue a violation notice pursuant to this chapter who detects a violation of any standing, parking or compliance provision of this code shall issue and serve a notice of violation as set forth in this section.
- (D) Contents of Violation Notice: The vehicular standing, parking, compliance regulation violation notice shall contain, but shall not be limited to, the following information:
 - 1. The date, time, and place of the violation;
 - 2. The particular vehicular standing, parking, compliance regulation violated;
 - 3. The vehicle make and state registration number;
 - 4. The fine and any penalty which may be assessed for late payments;
 - 5. The identification number of the person issuing the notice and his or her signature which shall certify the correctness of the specified information as provided in Section 11-208.3 of the Illinois Vehicle Code (625 ILCS 11-208.3), as amended;
 - 6. Information as to the availability of an administrative hearing at which the registered owner or lessee of the motor vehicle may appear in person and contest the violation notice on its merits, and the time and manner in which such hearing may be had;

7. The date, time, and place of an administrative hearing at which the violation may be contested on its merits or a statement the person will be notified of a hearing time;
 8. Payment of the indicated fine shall operate as a final disposition of the violation; and
 9. Information as to the availability for a contest and adjudication by mail by which the registered owner or lessee of the motor vehicle may contest by mail, without personally appearing to contest the merits of the violation notice, and the manner in which such contest by mail may be had.
- (E) Service of Violation Notices: Service of the violation notices shall be made by the person issuing such notice by:
1. offering the original or a facsimile of the notice of violation to the unlawfully standing, parked or compliance violation vehicle;
 2. handing the Notice of Violation to the operator of the operator of a motor vehicle violating a parking, standing or compliance regulation; or
 3. mailing the notice of violation to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or lessor of the vehicle within thirty (30) days after the Secretary of State or lessor of the motor vehicle notifies the Village of the identity of the owner or lessee of the vehicle, but not later than ninety (90) days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of the violation notice of a parking, standing or compliance violation may occur no later than two hundred ten (210) days after the violation.
- (F) Certification of Facts Alleged in Violation Notice: The correctness of facts contained in the vehicular standing, parking, compliance regulation notices shall be certified by the person authorized to issue said notice by either:
1. Signing his or her name to the notices at the time of service; or
 2. Signing a single certificate, to be retained by the Traffic Compliance Administrator or Ordinance Enforcement Administrator, attesting to the correctness of all notices produced by the device while under his/her control when the violation notice is produced by a computer device.
- (G) Retention of Violation Notices: The original or a facsimile of the violation notice shall be retained by the Traffic Compliance Administrator or Ordinance Enforcement Administrator and kept as a record in the ordinary course of business.

- (H) Prima Facie Evidence of Correctness: Any violation notice issued, signed, and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.
- (I) Admissibility: The violation notices or copies shall be admissible in any subsequent administrative or legal proceeding.
- (J) Action Upon Receiving Violation Notice/Opportunity for Hearing: A person to whom a standing, parking, or compliance regulation violation notice has been served pursuant to this section, shall, within twenty-one (21) days from the date of the issuance of standing, parking or compliance violation notice: 1) pay the indicated fine; or 2) submit the materials set forth in this section to obtain an adjudication by mail; or 3) attend an administrative hearing as set forth in this section to contest the charged violation. An administrative hearing date will be assigned at the time the notice of violation is issued. A response by mail shall be deemed timely if postmarked within twenty-one (21) days of the issuance of the parking or compliance violation notice.
- (K) Contest by Mail: If the respondent submits documentary evidence to contest by mail pursuant to this section, the respondent shall be served with a copy of the hearing officer's written determination of liability or non-liability.
- (L) Administrative Hearing: If the respondent requests an administrative hearing to contest the merits of the standing, parking or compliance violation, the respondent shall be served with notice of the date, time, and location of the hearing. The formal or technical rules of evidence shall not apply at the hearing.

When a respondent either fails to pay the indicated fine prior to the hearing, contest the violation by mail, or appear at a hearing, a determination of standing, parking, or compliance liability, as the case may be, shall be entered in the amount of the fine indicated on the notice of violation. Failure to pay the fine within forty-two (42) days of issuance of a determination of liability will result in the imposition of a late payment penalty. Failure to pay the fine within sixty-two (62) days of a determination of liability shall result in the imposition of an additional late payment penalty. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the Village. The respondent shall be served with a notice of final determination of liability in accordance with this section.

- (M) Second Notice of Parking, Standing, or Compliance Violation: In the event the first notice of violation was issued by affixing the original or facsimile of the notice to the unlawfully parked vehicle or by handing the notice to the operator, a second notice of standing, parking or compliance violation to be sent to the respondent in accordance with subsection (E) of this section. The second notice of violation shall specify the date and location of the violation, the make and State registration number

of the cited vehicle, the Code provision violation, the applicable fine, and the time and manner in which the respondent may obtain an adjudication, in writing, or appear at the scheduled hearing to contest the violation.

The second notice of standing, parking or compliance violation shall also state that failure to pay the indicated fine and any applicable penalty, or to appear at a hearing or contest a vehicular standing, parking, or vehicle compliance violation in writing on the merits in the time and manner specified, will result in a default judgment and final determination of liability for the cited violation in the amount of the fine or penalty indicated, and that upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, or any unpaid fine or penalty, or both, will constitute a debt due and owing the Village.

The respondent shall have the option of avoiding an appearance at an administrative hearing by completing either of the following options at least twenty-one (21) days prior to the scheduled hearing date set forth in the second notice of standing, parking or compliance violation: 1) paying the fine and penalty amount; or 2) contest the violation notice as pursuant to subsection (J) or contest the violation notice in writing pursuant to subsection (K) of this Section. Payment of the fine is an admission of liability and will act as a final disposition of the violation.

- (N) Notice of Final Determination of Liability. A notice of final determination of vehicular standing, parking, or vehicle compliance liability shall be sent following a determination of liability for the standing, parking or compliance violation and the conclusion of any administrative or judicial review, as is herein after set forth, and the notice shall contain, but not be limited to, the following information and warnings:
1. A statement that the unpaid fine or penalty, or both, is a debt due and owing the Village; and
 2. A warning that failure to pay the fine or penalty due and owing the Village within twenty-one (21) days of the issuance of the final determination of liability may result in the filing of a petition in the Circuit Court to have the unpaid fine or penalty, or both, rendered a judgment as provided by this section.
- (O) A final determination of vehicular standing and parking violation and vehicle compliance violation liability shall occur following the failure to pay the total assessed fine and penalty after the Administrative Hearing Officer's determination of liability and the exhaustion of or the failure to exhaust any judicial review procedures set forth in this section or the failure to file a petition to vacate a default judgment as set forth in section **15-1-15(P)** of this Chapter.

The Administrative Hearing Officer's determination of liability of vehicular standing and parking violations and vehicle compliance violations made under this section, shall become final upon denial of a timely petition to vacate and/or set aside that determination, or upon expiration of the period for filing the petition to vacate without a filing have been made where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice.

(P) A petition to set aside a default judgment or determination of 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 default judgment or determination of liability must be filed with the Traffic Compliance Administrator or Ordinance Enforcement Administrator, c/o Village of Forest View Police Department, within, but not later than, twenty-one (21) days from the date the default judgment or determination of liability is made;
2. The Administrative Hearing Officer shall act upon a petition timely filed and render a decision thereon within thirty (30) days of the date filed;
3. The grounds for setting aside a determination of liability shall be limited to the following:
 - (i) 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 and parking violation or vehicle compliance violation notice was issued;
 - (ii) The person has already paid the fine and any penalty; and
 - (iii) Excusable failure to appear at or request a new date for a hearing.
4. Should the default judgment or determination of liability by the Administrative Hearing Officer be set aside, the Traffic Compliance Administrator or Ordinance Enforcement Administrator shall:
 - (i) Notify the registered owner, or lessee, as the case may be, that the default judgment or determination of liability has been set aside;
 - (ii) Notify the registered owner, or lessee, as the case may be, of the date, time, and place for a new hearing on the merits of the violation for which the default judgment or determination of liability has been set aside;

- (iii) Notice of setting aside of the default judgment or 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 default judgment or determination of liability; and
 - (iv) Service of the notice shall be complete on the date the notices are deposited in the United States mail;
- (Q) Contest by Mail Procedures: Persons who have been served standing, parking, or compliance regulation notices, in accordance with this section, may contest the validity of the alleged violation without personally appearing at an administrative hearing by:
 - 1. Contest by mail: Completing, in full, the “contest by mail” section of the violation notice, served upon him or her pursuant to this chapter.
 - 2. Signature: Signing the “contest by mail” in the space specified in the violation notice, and acknowledging that his or her personal appearance is waived and submitting to adjudication based upon the signed statement and other supporting materials filed by him or her and the facts contained in the violation notice.
 - 3. Filing materials: Filing by mail with the Traffic Compliance Administrator or Ordinance Enforcement Administrator postmarked within twenty-one (21) days of the violation notice issuance or within twenty-one (21) days of the date of the additional violation notice, the following materials: the violation notice with the “contest by mail” section fully completed; the full name, address and telephone number(s) of the respondent; the make, model and year of the vehicle, if applicable; any documentary evidence that rebuts the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge.
 - 4. Grounds for Review: A person charged with a parking, standing or compliance regulation violation may contest the charge by mail by asserting one or more defenses to the violation with appropriate evidence to support such defense(s).
 - 5. Determination of Liability. Upon review of the materials submitted, the Administrative Hearing Officer shall make a determination of liability or non-liability. The Administrative Hearing Officer shall, upon a determination of liability, assess fines as authorized by this Code.
 - 6. Notice of Determination: Notice of the determination of the hearing officer shall be served upon the person contesting a violation notice by mail by first

class mail, postage prepaid, addressed to the person at the address set forth in the materials submitted.

7. Service of Notice: Service of the notice of determination shall be complete on the date the notice is placed in the United States mail.
- (R) Penalties: The fines and penalties which shall be imposed for each violation of a vehicular standing, parking or compliance regulation violation shall be as set forth in **Title 1, Chapter 1**, as the case may be, of this Code. The fines and penalties for a violation of parking in a parking space reserved for persons with disabilities (handicapped parking) shall be not less than Two Hundred Fifty Dollars (\$250.00).
1. Excluding penalties for violations of parking in a parking space reserved for persons with disabilities, failing to pay the indicated fine or attend a scheduled hearing and the exhaustion of or failure to exhaust any administrative review procedures shall result in the imposition of a late payment penalty fee(s) in addition to the fine as follows:
 - (i) Excluding only handicapped parking violations, if the fine is not paid within forty-two (42) days after a determination of liability, a late payment fee of Twenty-Five Dollars (\$25.00) will be assessed and, if the fine remains unpaid after sixty-two (62) days after a determination of liability, an additional Twenty-Five Dollar (\$25.00) late payment fee will be assessed.
- (S) The Village of Forest View hereby adopts, by reference, all current and future amendments to the Illinois Vehicle Code (625 ILCS 5/1-100, *et seq.*) governing the standing, parking or condition of motor vehicles (compliance), for its enforcement and adjudication within the corporate boundaries of the Village and in those areas subject to off-street parking agreements and all current and future amendments to Article 1, Division 2.1 (65 ILCS 5/Art. 1 Div. 2.1) of the Illinois Municipal Code.

SECTION 3. Any ordinance or portion of any ordinance in conflict with any provisions of this Ordinance is hereby repealed solely to the extent of such conflict.

SECTION 4. Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b)

legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Forest View that to the extent the terms of this ordinance should be inconsistent with any non-preemptive state law, this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE FOLLOWING ROLL CALL VOTE this 8th day of April, 2025.

AYES: Trustees Ramiez, Sudkamp, Hubacek, Nevarez, Liska, Grossi

NAYS: NA

ABSENT: NA

APPROVED this 8th day of April, 2025.

ATTEST:

Nancy L. Miller
Village President

Laura D. McGuffey
Village Clerk