

**AN ORDINANCE AMENDING CHAPTERS 16 AND 18
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Section 16-501, Penalties of Chapter 16, Dog Licenses and Animal Provisions, of the Arlington Heights Municipal Code, is hereby amended as follows (the language being deleted is stricken and the language being added is highlighted):

Section 16-501 Penalties.

- a. Except as provided in paragraph b.f. herein, any person violating any provision of this Chapter shall be fined not less than \$15 **\$25** ~~nor more than \$750~~ for each such offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs. **The ticket may be settled by payment of the fine prior to the hearing date. If no payment has been received by the date set for hearing, the ticket will be processed in accordance with the Administrative Adjudication process set forth in Article VIII of Chapter 18. An additional late payment penalty of \$25 shall be assessed 21 days following the hearing date for failure to respond to the violation.** ~~provided, however, that any person charged with such a violation may, within the time after the date of the citation alleging the violation set forth below, settle and compromise the charge by paying to the Village the penalty set forth below:~~

within ten days	\$25
after ten days but within 21 days	\$30
after 21 days	\$35

- b. ~~In the event that payment has not been made within 90 days of the original issue date, an additional cost of 30% of the fine amount shall be assessed to defray the cost of collection.~~
- c. ~~In the event that the person to whom the citation is issued fails to settle and pay the violation claim within the prescribed time, the officer is authorized to cause a notice to be served upon the alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of Cook County.~~
- d. ~~All persons who plead not guilty to the offense indicated may deliver the citation in person to the Police Department of the Village of Arlington Heights at the Police Station within 21 days after the date and hour indicated. Arrangements for hearing will be made by the Police Department.~~
- e. ~~Nothing contained herein shall prevent the filing of a complaint in the first instance in the Circuit Court of Cook County and the payment of any fine and costs which shall be determined and established by the Circuit Court.~~
- b.** In all instances involving an attack by an animal upon another animal or person, or in which the other animal or person sustains a physical injury, the owner must be given a mandatory appearance request for court, not less than ten days, nor more than 45 days after the

occurrence. Any person found guilty of violating this subsection (b) shall be fined not less than \$25 nor more than \$750 if the subject occurrence is the first involving the animal. A second conviction within two years shall require a fine of not less than \$100 nor more than \$750.

Upon any conviction for three or more such physical attacks, or for any situation where there are less than three convictions but the Court finds that there is great bodily harm or death caused by a dangerous animal, the owner shall be subject to any of the following penalties at the discretion of the court:

1. A fine of not less than \$250, nor more than \$750; and/or
2. The court shall issue an order requiring the confiscation and destruction of the animal by the municipal authorities.

In addition to the fines set forth above, in any circumstance as deemed appropriate by the court, restitution, including property damage and/or medical costs, to the victim may also be ordered.

SECTION TWO: That Chapter 18, Traffic, of the Arlington Heights Municipal Code, is hereby amended as set forth below:

a. Section 18-202, Parking for Persons with Disabilities, is hereby amended as follows (the language being added is highlighted):

Section 18-202 Parking for Persons with Disabilities.

- a. There is hereby adopted by reference 625 ILCS 5/11-1301.3 excluding the penalty provision, as now or hereafter amended.
- b. The Village Manager may, from time to time, designate and cause locations to be marked for the parking of persons with disabilities only, as deemed proper and convenient for the use of such persons.
- c. Any person who violates the provisions of this Section shall be fined no less than \$250 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section. The ticket may be settled by payment of the fine prior to the hearing date. If no payment has been received by the date set for hearing, the ticket will be processed in accordance with the Administrative Adjudication process set forth in Article VIII of this Chapter.

b. Section 18-214, Fire Lanes, is hereby amended as follows (the language being added is highlighted):

Section 18-214 Fire Lanes. No person shall park a motor vehicle within or in such a manner as to block or obstruct, wholly or in part, any fire lane designated and posted in accordance with the provisions of Section F-311 of the Fire Prevention Code. Any person, firm or corporation that violates this Section shall be fined \$50. The ticket may be settled by payment of the fine prior to

the hearing date. If no payment has been received by the date set for hearing, the ticket will be processed in accordance with the Administrative Adjudication process set forth in Article VIII of this Chapter. An additional late payment penalty of \$50 shall be assessed 21 days following the hearing date for failure to respond to the violation.

c. Section 18-222, Fines, is hereby amended to read as follows (the language being deleted is stricken and the language being added is highlighted):

Section 18-222 Fines and Penalties. A person accused of a violation pursuant to this Article, as well as Section 16-108, Section 16-204, Section 16-208 and Section 16-301, may settle and compromise the violation claim by paying to the Village Finance Department the applicable amount as shown in the schedule set forth in this Section within a period to be specified in the citation.

a. Any person, firm or corporation that violates Section 17-111, Duplicate Issue, shall be subject to the penalty provided in Section 17-114, Penalty, of this Code.

b. Any person, firm or corporation that violates Section 18-202, Parking for Persons with Disabilities, shall be fined not less than \$250, in addition to any costs or charges connected with the authorized removal or storage of any motor vehicle.

c. Any person, firm or corporation that violates Section 18-211b, Parking of Trucks, or Section 18-214, Fire Lanes, or 625 ILCS 5/11-1303a2b, shall be fined not less than \$50 nor more than \$750.

d. Any person, firm or corporation that violates any other section of this Article shall be fined not less than \$25 nor more than \$750; provided, however, that if the alleged violator shall plead guilty and make payment within the time set forth below, the penalty shall be as follows:

If paid within ten days	\$25
After ten days, but within 21 days	\$30
After 21 days	\$35

e. In the event that payment has not been made within 90 days of the original issue date, an additional cost of 30% of the fine amount shall be assessed to defray the cost of collection.

f. In the event that the person to whom the citation is issued fails to settle and pay the violation claim within the prescribed time, the officer is authorized to cause a notice to be served upon the alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of Cook County.

g. All persons who plead not guilty to the offense indicated may deliver the citation in person to the Police Department of the Village of Arlington Heights at the Police Station within 21 days after the date and hour indicated. Arrangements for hearing will be made by the Police Department.

~~h. Nothing herein contained shall prevent the filing of a complaint in the first instance in the Circuit Court of Cook County and the payment of any fine and costs which shall be determined and established by the Circuit Court.~~

Section 18-222 Fines. Unless otherwise specified, a person accused of a violation of this Article, as well as Chapters 16, 17, and Section 18-313, may settle the ticket by paying \$25 to the Village prior to the date set for hearing. If no payment has been received by the date set for hearing, the ticket will be processed in accordance with the Administrative Adjudication process set forth in Article VIII of this Chapter. An additional late payment penalty of \$25 shall be assessed 21 days following the hearing date for failure to respond to the violation.

d. Section 18-313, Motorized Scooters, is hereby amended to read as follows (the language being deleted is stricken):

Section 18-313 Motorized Scooters. It shall be unlawful for any person to use, operate or be in control of a motorized scooter on any public street, parking lot, sidewalk, bike path or other area open to the public in the Village.

For purposes of this Section, a motorized scooter is defined as any electric or gas-driven wheeled scooter, motor driven cycle or other similar motor driven vehicle for which the State of Illinois does not issue a title document and does not issue license plates or registration documents.

The following uses are exempt from the provisions of this Section:

1. Motorized wheelchairs designed to provide mobility for persons with disabilities or used by others for medical reasons and electric personal assistive mobility devices, as defined in 625 ILCS 5/1-117.7, as now or hereafter amended,
2. Operation of a motorized scooter when being used as part of a Village sanctioned event or by a governmental entity while performing maintenance duties.

~~b. Fines and Penalties. The police officer may, in the first instance of an alleged violation, in lieu of filing a complaint in court, issue a citation advising the person that a specified ordinance has been violated, requesting payment in an amount applicable to the alleged violation as set forth in this Section as settlement of the violation claim and informing the person that upon failure to settle, a complaint will be filed in the Circuit Court of Cook County, charging that person with the violation.~~

~~Pursuant to the citation, the person accused of the violation may settle and compromise the violation claim by paying to the Village Finance Department the applicable amount as shown in the schedule set forth in this Section within a period to be specified in the citation.~~

~~In the event that the person to whom the citation is issued fails to settle and pay the violation claim within the prescribed time, the officer is authorized to cause a notice to be served upon the alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of Cook County.~~

~~All persons who plead not guilty to the offense indicated may obtain a court date by~~

~~contacting the Police Department's Records Section during regular business hours, within ten days after the date and hour indicated. Arrangements for hearing will be made by the Police Department.~~

~~Any person, firm or corporation that violates this Section shall be fined not less than \$25 nor more than \$750; provided, however, that if the alleged violator shall plead guilty and make payment within the time set forth below, the penalty shall be as follows:~~

If paid within ten days	\$25
After ten days, but within 21 days	\$30
After 21 days	\$35

~~In the event that payment has not been made within 90 days of the original issue date, an additional cost of 30% of the fine amount shall be assessed to defray the cost of collection.~~

~~Nothing herein contained shall prevent the filing of a complaint in the first instance in the Circuit Court of Cook County and the payment of any fine and costs that shall be determined and established by the Circuit Court.~~

~~e. Impoundment and Redemption. Any person violating this Section shall be subject to a citation and imposition of a fine as set forth above. Additionally, any person who has been issued a citation for the same offense and found guilty or pled guilty within the previous 12 months shall be required to surrender, at the time of issuance of the second citation, the motorized scooter to the police officer or other authorized official who issues the citation. The surrendered motorized scooter shall be impounded and held by the Village Police Department and shall be returned to the owner only after one of the following sets of conditions has been met:~~

- ~~1. The person against whom the citation was issued shall have paid all outstanding fines related to the citation as well as the fees and costs of the Village in the amount of \$100; or~~
- ~~2. The person against whom the citation was issued shall have presented to the Village, proof that a determination of not guilty was made for the cited offense.~~

e. Section 18-602, Alternative Penalties – Compliance Warning Tickets, is hereby amended as follows (the language being deleted is stricken and the language being added is highlighted):

Section 18-602 Alternative Penalties - Compliance Warning Tickets.

a. Any person who has been issued a compliance warning ticket alleging a violation of any of the sections of the Illinois Vehicle Code adopted by reference in Section 18-601 of this Code may settle and compromise that ticket as follows:

1. If proof of compliance can be validated by the Village **prior to the date set for hearing** ~~within 21 days from the date of the ticket~~, no fine shall be assessed.

2. If proof of compliance has not been validated by the Village prior to the date set for hearing, the ticket will be processed in accordance with the Administrative Adjudication process set forth in Article VIII of this Chapter. A \$30 fine shall be assessed for failure to respond prior to the hearing date.

3. An additional late payment penalty of \$30 shall be assessed 21 days following the hearing date for failure to respond to the violation.

~~2. The 22nd day from the date the alleged violation was committed, a \$30 fine shall be assessed, which shall be due within 14 days.~~

~~3. After 35 days from the date the alleged violation was committed, the fine shall be increased to \$45. A final notice shall be mailed 45 days from the date that the ticket was issued.~~

~~4. In the event that payment had not been made within 90 days of the original issue date, the ticket shall be submitted for collection and an additional cost of 30% of the fine shall be assessed to defray the cost of collection.~~

~~b. In the event that payment has not been made within 90 days of the original issue date, an additional cost of 30% of the fine amount shall be assessed to defray the cost of collection.~~

eb. The issuance of compliance warning tickets shall be as a courtesy in lieu of instituting a prosecution in court for the alleged offense. However, nothing herein contained shall prevent the filing of a complaint in the first instance in the Circuit Court of Cook County and the payment of fines and costs, which shall be established by the Circuit Court.

f. Section 18-807a, Respondent's Options, is hereby amended as follows (the language being deleted is stricken and the language being added is highlighted):

Section 18-807 Respondent's Options.

a. Prior to the hearing date ~~21st day after issuance of the violation notice~~, a person on whom a parking or compliance violation notice has been served has the following options:

1. pay the indicated fine; or

2. submit the materials set forth in this Article to obtain an adjudication by mail; or

3. ~~request an~~ attend the administrative hearing on the date set forth on the ticket ~~as set forth in this Article~~ to contest the charged violation.

A response by mail shall be deemed timely if postmarked within 24 **seven** days of the issuance of the violation notice. If none of these options is selected, the Respondent will be deemed to have waived his/her rights to exercise any of these options.

g. Section 18-808, Second Notice of Violation, is hereby amended as follows (the language being deleted is stricken and the language being added is highlighted):

Section 18-808 Second Notice of Violation. Upon the failure of the registered owner of the cited vehicle to pay the appropriate fine and/or penalty prior to the 21st day, or request an adjudication by mail, ~~or request a hearing~~, the Traffic Compliance Officer shall send out a second notice of violation which shall contain the following:

- a. Date and location of violation cited in the violation notice;
- b. Particular standing, parking or compliance regulation violated;
- c. Vehicle make and state registration;
- d. Fine and penalty that may be assessed for late payment;
- e. ~~Availability~~ **Reminder** of ~~an~~ **the** administrative hearing **date** at which the alleged violation may be contested on its merits;
- f. A statement that failure to either pay the fine and ~~any applicable penalty~~ or appear at a ~~subsequent~~ **the administrative hearing and contest the ticket** on its merits on the date and at the time and place specified will result in a determination of liability in the amount of the fine and ~~penalty indicated~~; and
- g. A statement that upon the occurrence of a determination of liability, and the exhaustion of, or the failure to exhaust, available administrative and judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the Village.

h. Section 18-813, Final Determination, is hereby amended as follows (the language being deleted is stricken and the language being added is highlighted):

Section 18-813 Final Determination. A Final Determination of violation liability shall be issued following failure to pay the fine and/or penalty after a hearing officer's determination of violation liability, and the exhaustion of or failure to exhaust any administrative review procedures, including denial of a timely petition to set aside or failing to file the set aside petition within 21 days of the Final Determination. **In the event that payment has not been made within 21 days of the date of the Final Determination, an additional cost of 30% of the fine amount shall be assessed to defray the cost of collection.**

i. Section 18-901c, Vehicle Immobilization Program, is hereby amended as follows (the language being deleted is stricken):

Section 18-901 Vehicle Immobilization Program.

- a. The Police Chief or designee is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking ordinances set forth in Chapter 18, Article II, Parking, of the Arlington Heights Municipal Code. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle located on the public way or any Village-owned property by placement of a restraint in such a manner as to prevent its operation.

- b. Definitions. For purposes of this Article, the following words and phrases have the following meanings:
1. Owner. The registered or legal owner or person who is otherwise entitled to possession of the motor vehicle.
 2. Police Immobilized Vehicle (Wheel-Lock). A vehicle located on a public way at a time or in such a manner as to require police intervention pursuant to this Article.
- c. When the registered owner of a vehicle has accumulated five or more citations of parking violation liability, in any combination, ~~which are each at least 120 days past the date of the violation,~~ for which the fines and applicable penalties, if applicable, have not been paid in full, the Police Chief or designee shall cause a notice prior to vehicle immobilization to be sent, in accordance with Section 18-902, Pre-Immobilization Notice, of this Article.

SECTION THREE: The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION FOUR: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form, in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 19th day of October, 2020.

Village President

ATTEST:

Village Clerk

CodeAmendments:16 and 18 administrative adjudication fine structure