

ORDINANCE NO. O-2025-48

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON CHAPTER 70 TRAFFIC AND VEHICLES, ARTICLE II ADMINISTRATION AND ENFORCEMENT, DIVISION 3 PARKING VIOLATIONS AND ARTICLE VIII ABANDONED AND INOPERABLE VEHICLES; AND CHAPTER 2 ADMINISTRATION, ARTICLE X SYSTEM OF ADMINISTRATIVE ADJUDICATIONS

WHEREAS, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City; and

WHEREAS, the Mayor and City Council and City Staff have carefully evaluated the City Code and believe certain amendments are appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: That Chapter 70 Traffic and Vehicles, Article II Administration and Enforcement, Division 3 Parking Violations is repealed in its entirety and replaced with the following:

DIVISION 3. PARKING VIOLATIONS¹

Sec. 70-146. Prima facie responsibility of vehicle owner; burden of proof.

- (a) Whenever any vehicle shall have been parked in violation of the provisions of any ordinance prohibiting or restricting parking, the person or business entity in whose name such vehicle is registered with the Secretary of State shall be prima facie responsible for such violation and subject to the penalty therefor.
- (b) It shall not be a defense to the prima facie responsibility defined in subsection (a) that the vehicle at the time of the violation was in the control of a family member of the registered owner or that the registered owner loaned or leased the vehicle to another person.
- (c) No parking violation may be established except upon proof by a preponderance of the evidence. However, a parking violation notice, issued, signed and served in accordance with this article, or a copy thereof, or in the case of a notice produced by a computerized device, a computer generated record derived from the data stored by said computerized device, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts specified therein. The notice, copy, or computer-generated record shall be admissible in any subsequent administrative or legal proceedings.

(Code 1968, § 16-306; Code 1996, § 70-146)

¹Ord. No. O-2024-01, § 1, adopted Feb. 5, 2024, repealed Div. 3 in its entirety and subsequently renumbered Divisions 4 and 5 as Divisions 3 and 4 to read as set out herein. Former Division 3, § 70-107 pertained to vehicles improperly parked in a leased parking space; towing and storage fees, and derived from Code 1968, § 16-305; Code 1996, § 70-107; and Ord. No. F-1395, § 6, adopted Dec. 1, 2008.

Sec. 70-147. Definitions.

- (a) *Definitions.* The following words and phrases when used in this section shall have the meanings ascribed to them as set forth below:

Central business district or *CBD* means the area within the City of Wheaton bounded by Wesley Street on the north, West Street on the west, Willow Avenue on the south, and Cross Street on the east.

Commuter parking lot(s) means City Parking Lot Number 3 which is the 100 block of East Liberty Drive, City Parking Lot Number 4 which is the 100 block of West Liberty Drive, City Parking Lot Number 5 which is the 200 and 300 block of West Liberty Drive, City Parking Lot Number 6 located along Crescent Street near the College Avenue train station, City Parking Lot Number 7 located on the southeast corner of Williston and Crescent Street, City Parking Lot Number 8 located on the southwest corner of Blanchard and Crescent Street, and City Parking Lot Number 9 located at Carlton Avenue and Liberty Drive.

Compact car(s) means vehicles named in the EPA Size Classes of compact car, subcompact car, minicompact car, and two seaters by the Oak Ridge National Laboratory for the United States Department of Energy and the United States Environmental Protection Agency.

Compact car space(s) means any space which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb, on the surface of the street, or on the surface of the off-street parking lot where signs depicting the space as "Compact Cars Only" have been installed.

Daily fee parking zone(s) means any zone as depicted in traffic schedule IX as a metered parking zone and traffic schedule X-A as daily fee parking and where applicable signage is erected. Daily fee parking shall be a single fee for parking between the hours of 6:00 a.m. to 3:00 p.m., Monday through Friday, excepting legal holidays. The fee for daily fee parking shall be as set forth in City Code Appendix B. If not between the hours of 6:00 a.m. to 3:00 p.m., then daily fee parking spaces shall be free public parking. No on-street parking is allowed between the hours of 2:00 a.m. and 6:00 a.m.

Metered parking zone means any zone as depicted in traffic schedule IX and includes any city-owned off-street parking lot or any restricted street or portion thereof upon which daily fee signage is erected or parking meters are installed and in operation.

Premium daily fee parking zone(s) means any daily fee parking zone as depicted in traffic schedule IX as a metered parking zone and traffic schedules X-A as premium daily fee parking and where applicable signage is erected. Premium daily fee parking shall be a single fee for parking between the hours of 6:00 a.m. to 3:00 p.m., Monday through Friday, excepting legal holidays. The fee for premium daily fee parking shall be as set forth in City Code Appendix B. If not between the hours of 6:00 a.m. to 3:00 p.m., then premium daily fee parking spaces shall be free public parking.

Ord. No. O-2024-01, § 1, adopted Feb. 5, 2024, repealed § 70-147, which pertained to the removal of tire markings, and derived from Code 1968, § 16-307; and Code 1996, § 70-147.

Sec. 70-148. Schedule of Fines for Parking Violations

Section Describing Violation	Description of Violation	Fine
70-338(a)(4)	Parking within 15 feet of a fire hydrant	\$50.00
70-338 [except 70-338(a)(4)]	Parking in all other prohibited places	\$30.00
70-339	Parking wrong way, head-in or too close	\$30.00
70-340	Vehicle left with motor running	\$30.00
70-341	Parking to obstruct traffic	\$30.00
70-342	Parking in prohibited alleys	\$30.00
70-343	Parking on street at night	\$30.00
70-344	Parking during snow removal	\$30.00
70-345	Parking in CBD during snow removal hours	\$30.00
70-346(1)	Parking vehicle for sale on street	\$30.00
70-346(2)	Parking on street while working on vehicle	\$30.00
70-347	Disobedience to angle parking signs or markings	\$30.00
70-348	Violating loading permit	\$30.00
70-349	Parking in passenger loading zone	\$30.00
70-350	Parking in freight loading zone	\$30.00
70-351	Bus parking not at bus stand	\$30.00
70-352	Taxi parking not at taxi stand	\$30.00
70-353	Parking in taxi or bus stand	\$30.00
70-354(c)	Parking prohibited at all times	\$30.00
70-354(d)	Parking prohibited at certain times	\$30.00
70-354(e)	Parking on street over limit of three hours or more	\$30.00
70-354(f)	Parking off street over time limit	\$30.00
70-354(g)	Parking on street over one-hour and two-hour limits	\$30.00
70-354(i)	Moving between spaces CBD lots 1 and 2	\$30.00
70-356	Improperly parked in customer designated area	\$30.00
70-379	Parking so not within limits of the space	\$30.00
70-382(a)	Overtime parking meter, chalked tires	\$30.00
70-383(1)	Expired meter	\$15.00
70-383(2)	Remaining overtime in meter parking	\$15.00
70-383(3)	Parking over marking in meter spaces	\$15.00
70-383(5)	Depositing a slug in meter	\$15.00
70-383(6)	Matter not legal tender in notice envelope	\$15.00
70-383(7)	Meter feeding	\$30.00
70-387(b)	Unauthorized use of parking spaces reserved for persons with disabilities	\$350.00
70-414	Improperly parked in leased space	\$30.00
70-416	Failure to display authorization	\$6.00

Sec. 70-149. Initial parking violation notice.

- (a) Notice. Each initial parking violation notice shall include the following information:
 - (1) date, time, and place of the violation;
 - (2) the particular regulation violated;
 - (3) the fine and any penalty that may be assessed for late payment;
 - (4) the vehicle make and license plate number;
 - (5) the identification number of the person issuing the notice;
 - (6) instructions on how to pay the fine;
 - (7) the manner in which to contest a violation, and the date and time for a hearing if the violation can be contested through the city's administrative adjudication system;
 - (8) a statement that the payment of any applicable fine or penalty for late payment shall operate as a final disposition of the violation.
- (b) Service of notice. Service of an initial parking violation notice may be made by: (i) affixing the original or a facsimile of the notice to an unlawfully parked vehicle; (ii) handing the notice to the operator of a vehicle if present; or (iii) mailing the notice to the address of the registered owner of the cited vehicle as recorded with the Secretary of State.
- (c) The original or a facsimile of the initial violation notice, or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the city, and shall be a record kept in the ordinary course of business.
- (d) If the owner or operator of a vehicle receiving a notice for a violation listed under section 70-148 continues to park his vehicle in the same location for a period of time which again exceeds the designated time limit, such owner shall be subject to an additional fine. Each continued time limit violation shall constitute a separate offense.

Sec. 70-150. Parking violations subject to the city's administrative adjudication system.

- (a) Violations of the city code provisions listed in section 70-148 which occur outside the central business district and not within the city's commuter parking lots, daily fee parking zones, premium daily fee parking zones, or metered parking zones shall be subject to the city's system of administrative adjudication set forth in chapter 2, article X of the city code.
- (b) Second notice. A second notice of a parking violation, if the initial notice of the violation was issued by affixing the original or a facsimile of the notice to the unlawfully parked vehicle or by handing the notice to the operator, shall be provided to the registered owner of the unlawfully parked vehicle. This notice shall include the following information:
 - (1) date and location of the violation cited in the initial parking violation notice;
 - (2) the particular regulation violated;
 - (3) the vehicle make and license plate of the vehicle;
 - (4) the fine and any penalty that may be assessed for late payment;
 - (5) the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had;
 - (6) a statement that the failure to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation 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, any unpaid fine or penalty, or both, will constitute a debt due and owing the city.

- (c) Service of additional notice. Service of an additional notice may be made by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail.
- (d) Final determination of liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after the administrative adjudication hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures as provided in chapter 2, article X of this code. 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, the administrative adjudication hearing officer's determination of violation liability shall become final: (1) upon denial of a timely petition to vacate a default judgment, or (2) upon expiration of the period for filing the petition without a filing having been made.
- (e) Notice of final determination of liability. A notice of final determination of liability shall be sent in the manner set forth in subsection (c) above following a final determination of parking violation liability and shall include the following information:
 - (1) that the unpaid fine or penalty is a debt due and owing the city;
 - (2) that failure to pay any fine or penalty due and owing the city, within the time specified may result in the city's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this section.
- (f) Any fine, or penalty or part thereof remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of any judicial review procedures shall be a debt due and owing the city and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a parking violation shall constitute a final disposition of that violation.
- (g) After the expiration of the period within which judicial review may be sought, the city may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. The city may consolidate multiple final determinations of parking violations against a person in a single proceeding. Upon commencement of the action, the city shall file a certified copy or record of the final determination of parking violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this section and the applicable city ordinances. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking violations does not exceed \$2500. If the court is satisfied that the final determination of parking violation was entered in accordance with the requirements of this section and the applicable city ordinances, and that the registered owner had an opportunity for an administrative hearing and for judicial review as provided in this section, the court shall render judgment in favor of the city and against the registered owner for the amount indicated in the final determination of parking violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.
- (h) In the event the registered owner of the unlawfully parked vehicle fails to appear at the administrative adjudication hearing, the minimum fine due and owing shall be \$100, with the exception of a violation for unauthorized use of parking spaces reserved for persons with disabilities. If the registered owner appears and is found liable at the conclusion of the administrative adjudication hearing, the fine assessed shall be the original amount of the fine as set forth below. Administrative ticket processing fees shall be paid in accordance with Appendix B to this Code.

Sec. 70-151. Parking violations not subject to the city's administrative adjudication system.

- (a) The city's system of administrative adjudication as set forth in chapter 2, article X of the city code, shall not apply to violations of the city code provisions listed in section 70-148 when such violations occur in the central business district, the city's commuter parking lots, the city's daily fee parking zones, the city's premium daily fee parking zones, and the city's metered parking zones.
- (b) Parking violations which are not subject to the city's administrative adjudication system may be contested within thirty (30) days of the date of issuance of the violation by following the instructions set forth on the initial parking violation notice. In the event the offender fails to pay the fine or contest the violation within the thirty-day time period, the fine due and owing to the city shall increase to \$60. Administrative ticket processing fees shall be paid in accordance with Appendix B to this Code.

(Code 1968, § 16-278; Code 1996, § 70-148; Ord. No. F-0027, § 1, 5-6-1996; Ord. No. F-0680, § 1, 2-4-2002; Ord. No. F-1792, § 2, 6-16-2014; Ord. No. O-2022-16, § 2, 4-18-2022; Ord. No. O-2024-01, § 1, 2-5-2024)

Secs. 70-152—70-170. Reserved.

SECTION 2: That Chapter 70 Traffic and Vehicles, Article VIII Abandoned and Inoperable Vehicles is repealed in its entirety and replaced with the following:

ARTICLE VIII. TOWING AND IMPOUNDMENT OF VEHICLES²**Sec. 70-566. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means:

- (1) A vehicle, other than a "hazardous" or "unlawful" vehicle, on the public way or in a public parking lot in such a state of disrepair that it is incapable of being driven;
- (2) A vehicle, other than a "hazardous" or "unlawful" vehicle, on the public way or in a public parking lot that has not been moved for a period of fourteen (14) days and appears to have been abandoned by its owner based on:
 - a. Its condition;
 - b. The period during which it has not been moved;
 - c. Other circumstances indicating abandonment;
- (3) A vehicle on private property without the consent of the property owner, proprietor or agent which person has requested that the vehicle be towed.

Hazardous vehicle means:

- (1) The term "hazardous vehicle" means:
 - a. A vehicle that has been involved in an accident and is disabled or cannot be immediately moved by the owner or operator of the vehicle;

²Editor's note(s)—Former Art. IX, see Editor's Note at Art. VI.

- b. A vehicle that presents an immediate danger to the health or welfare of members of the public;
 - c. A vehicle on a public street, way or alley that is impeding the orderly flow of traffic or poses a potential danger to pedestrians or operators of other vehicles;
 - d. A vehicle that is parked in such a way as to block access to a fire hydrant or that is parked in a fire lane where the property owner has a valid Fire Lane Designation and Enforcement Agreement with the city; or
 - e. A vehicle illegally parked which prevents and obstructs snow removal from public streets or public parking lots.
- (2) The term "hazardous vehicle" does not include vehicles which have been rendered temporarily incapable of being driven under their own motor power in order to perform ordinary service or repair operations.

Inoperable vehicle means.

- (1) The term "inoperable vehicle" means:
- a. Any vehicle, whether on public or private property and in view of the general public from which, for a period of at least fourteen (14) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power;
 - b. Any vehicle on private property and in view of the general public which does not maintain vehicle license plates or license stickers affixed in a manner prescribed in the Illinois Vehicle Code;
 - c. Any vehicle on private property and in view of the general public which has invalid license plates; or
 - d. Any vehicle on private property and in view of the general public which is in violation of any provision of the Illinois Vehicle Code which would prohibit the vehicle from being driven.
- (2) The term "inoperable vehicle" does not include:
- a. Vehicles kept within a building when not in use;
 - b. Operable historic vehicles over 25 years of age;
 - c. Vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles; or
 - d. Vehicles which have been rendered temporarily incapable of being driven under their own motor power in order to perform ordinary service or repair operations.

Owner means a person who holds legal title to a vehicle, or the right to possession of a vehicle.

Unlawful vehicle means:

- (1) A vehicle that has been reported stolen or is the subject of a search and seizure by the police department;
- (2) A vehicle in violation of any state statute or local ordinance that authorizes the vehicle to be towed, but only when signs posted at the location of the vehicle indicate that vehicles may be subject to towing; or
- (3) A vehicle parked on public property if:
 - a. There are no license plates or valid license sticker affixed in the manner prescribed by the Illinois Vehicle Code;
 - b. The license plates are invalid; or

- c. It is in violation of any provision of the Illinois Vehicle Code which would prohibit the vehicle from being driven.

Vehicle means any "vehicle" as defined in the Illinois Motor Vehicle Code as adopted in section 70-2 of this Code.

(Code 1996, § 70-566; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, § 1, 6-19-2000)

Sec. 70-567. Authorization for towing.

- (a) Abandoned and inoperable vehicles may be towed after prior notice and the affording of an opportunity for a hearing as provided in section 70-569.
- (b) Hazardous and unlawful vehicles may be towed without notice. Within seven (7) days after towing a vehicle pursuant to this subsection, a notice shall be sent to the owner of the vehicle affording the opportunity for a hearing as provided in section 70-572.
- (c) Any motor vehicle, for which the registered owner has been determined to be liable for five (5) or more vehicular standing or parking regulation violations, and the fines, penalties, fees and costs assessed therefor remain unpaid after the time has expired to contest the violations, may be towed and impounded if all the requirements of section 70-575 have been met.
- (d) The towing of any vehicle pursuant to this article by the city or by any towing service operator approved by the chief of police shall be authorized only by the chief of police or designee, and only under the circumstances and in accordance with the procedures herein provided.
- (e) Towed vehicles shall be impounded only at facilities approved by the chief of police until lawfully claimed or disposed of pursuant to the provisions of this article or the laws of the state.
- (f) The towing service shall safely keep the towed vehicle and its contents, and maintain a record of the tow as set forth in article II of chapter 4 of the Illinois Vehicle Code (625 ILCS 5/4-204) for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this article.
- (g) Nothing in this article shall prohibit the towing of vehicles in accordance with article II of chapter 4 of the Illinois Vehicle Code (625 ILCS 5/4-201 *et seq.*).

(Code 1996, § 70-567; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, §§ 2, 3, 6-19-2000)

Sec. 70-568. Pre-tow notice for abandoned and inoperable vehicles.

- (a) Not less than seven (7) days prior to towing any abandoned or inoperable vehicle pursuant to section 70-567(a), the city shall forward written notice of its intent to tow by personal service, or certified or registered mail return receipt requested and regular mail, to the address of the registered owner of the vehicle, lienholder or other person legally entitled to possession of the vehicle, as indicated in the most current registration list of the secretary of state of the state in which such vehicle is registered. If the registered owner, lienholder or other person legally entitled to the possession of the vehicle cannot be identified from the registration files of the secretary of state of the state in which the vehicle is registered, the police department shall notify the state police, for the purpose of identifying the vehicle owner or other person legally entitled to possession of the vehicle. Additionally, prior to sending notice, the police department shall cause the stolen motor vehicle files of the state police to be searched by a directed communication to the state police for stolen or wanted information of the vehicle in accordance with article II, chapter 4 of the Illinois Vehicle Code (625 ILCS 5/4-205). The notice to the registered owner, lienholder or other person legally entitled to possession of the vehicle shall provide:
 - (1) A description of the make, model, year and color of the vehicle;

- (2) The vehicle identification number, and the number and state of any license plate displayed on the vehicle. If there is no license plate displayed, the notice shall indicate the lack of a license plate;
 - (3) The location of the vehicle and a description of the circumstances indicating that it has been abandoned or deemed inoperable;
 - (4) A statement by the city that the city will tow and store the vehicle at the expense of the owner or other person entitled to legal possession of the vehicle if the vehicle is not moved, a statement of where the vehicle will be towed, and a statement that if the vehicle is not claimed by a certain date, it will be disposed of; and
 - (5) A copy of this article, or a description of the owner's rights to contest the legality of the towing and a telephone number of the city through which the owner may obtain more information.
- (b) On or before the day of mailing of the aforesaid written notice, a sticker stating the city's intention to tow the vehicle, the earliest date upon which the tow may take place, and the address and phone number of the city police department shall be attached to the vehicle.

(Code 1996, § 70-568; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, § 4, 6-19-2000)

Sec. 70-569. Pre-tow hearing procedures.

- (a) The owner of a vehicle to be towed as an abandoned or inoperable vehicle pursuant to section 70-567(a), shall have seven (7) days after the date of mailing or personal service of the notice described in section 70-568 to request, in writing, a pre-tow hearing. The written request shall be delivered to the police department within the seven-day period. Unless such a request is received within the seven-day period, the vehicle may be towed and any hearing rights under the provisions of this section shall be deemed waived.
- (b) In the event that a pre-tow hearing is not requested as provided herein, a post-tow hearing shall, upon written request of the owner of a vehicle towed as an abandoned or inoperable vehicle, be provided pursuant to section 70-572.
- (c) Upon any request for a pre-tow hearing being made, the city shall schedule a date and time, not later than fifteen (15) days following receipt of such request, for such hearing. Upon receipt of such request, but no less than forty-eight (48) hours before such hearing, the city shall notify the owner of the date and time for such hearing by telephone, by mail, or in person as the circumstances require. Pending a final disposition of such hearing, the vehicle shall not be towed except pursuant to the procedures of this article applicable to hazardous or unlawful vehicles.
- (d) Upon any request for a pre-tow hearing being made, the city's administrative adjudication hearing officer shall preside over said hearing. The hearing officer shall have the authority to require the presence of the enforcement officer who initiated the proposed tow or any other city personnel and to request the presence of other witnesses at the hearing.
- (e) Each hearing shall be audio-taped or video-taped and the hearing officer shall deliver the audio-tape or video-tape to the police department, where it shall be retained for a period of at least five (5) years in accordance with subsection (l) of this section.
- (f) In rendering a decision, the hearing officer shall consider:
 - (1) Whether proper notice was given pursuant to section 70-568;
 - (2) Whether the vehicle to be towed meets the definition of an abandoned or inoperable vehicle, whichever is claimed in the notice, as defined in section 70-566;
 - (3) Whether the vehicle to be towed, if claimed to be an inoperable vehicle, is a vehicle excepted from the definition of inoperable vehicle as defined in section 70-566; and
 - (4) Any defense or affirmative matter submitted by the owner of the vehicle to be towed.

- (g) The city bears the burden of proving that the towing of the vehicle is authorized pursuant to the provisions of this article.
- (h) After receiving all relevant evidence, the hearing officer shall issue a written decision based upon a preponderance of the evidence as to whether the towing of the vehicle is authorized by the laws of the state or the ordinances of the city, citing the specific statutory or ordinance section authorizing the towing. The owner shall be provided a copy of such decision.
- (i) If the hearing officer finds that towing is authorized by this article, the hearing officer shall direct that the vehicle be towed, with any towing and storage costs to be imposed on the owner thereof, and with any outstanding fines to be paid by the owner thereof. The fees to be charged for towing and storage services shall not be more than the rates established in appendix B to this Code. The owner of the vehicle may avoid the towing by immediately removing the vehicle from the improper location to a proper, lawful location and correcting any condition which made the vehicle inoperable.
- (j) If the hearing officer finds that towing is not authorized, the hearing officer shall direct that the vehicle shall not be towed. The city shall furnish a copy of such decision to the owner, who may display it inside the vehicle. No vehicle about which such a decision has been rendered shall be towed by the city unless:
 - (1) The circumstances under which the decision was rendered have changed; and
 - (2) The procedures for towing similarly situated vehicles under this article are followed.
- (k) Any finding, determination or decision of the hearing officer shall be subject to review under state law.
- (l) All pre-tow hearing decisions, towing reports, and any associated police reports or documents shall be retained by the city police department for a period of at least five (5) years after each hearing, or after each tow if no hearing was requested or held.
- (m) Any such hearing will not be determinative of or adjudicate any violation of any city ordinance relative to the vehicle, but shall only relate to whether the vehicle shall be towed.

(Code 1996, § 70-569; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, §§ 5—7, 6-19-2000)

Sec. 70-570. Post-tow notice for hazardous and unlawful vehicles.

- (a) Not more than seven (7) days after towing any hazardous or unlawful vehicle pursuant to this article, the city shall forward written notice of the towing by personal service, or certified or registered mail return receipt requested and regular mail, to the address of the registered owner of the vehicle, lienholder or other person legally entitled to possession of the vehicle, as indicated in the most current registration list of the secretary of state in which such vehicle is registered. If the registered owner, lienholder or other person legally entitled to the possession of the vehicle cannot be identified from the registration files of the secretary of state in which the vehicle is registered, the police department shall notify the state police, for the purpose of identifying the vehicle owner or other person legally entitled to possession of the vehicle. Additionally, prior to sending notice, the police department shall cause the stolen motor vehicle files of the state police to be searched by a directed communication to the state police for stolen or wanted information of the vehicle in accordance with article II, chapter 4 of the Illinois Vehicle Code (625 ILCS 5/4-205). The notice to the registered owner, lienholder, or other person legally entitled to possession of the vehicle shall provide:
 - (1) A description of the make, model, year and color of the vehicle;
 - (2) The vehicle's identification number, and the number and state of the license plate displayed on the vehicle. If there is no license plate displayed, the notice shall indicate the lack of a license plate;
 - (3) The location from and date on which the vehicle was towed, and a description of the circumstances indicating the hazardousness or unlawfulness of the vehicle;
 - (4) A statement that the city has towed and stored the vehicle at the expense of the owner or other person legally entitled to possession of the vehicle, including a statement of the location of where the

vehicle is being held, and a statement that if the vehicle is not claimed by a certain date, the vehicle will be disposed of; and

- (5) A copy of this article, or a description of the owner's rights to contest the legality of the towing and a telephone number of the city through which the owner may obtain more information.
- (b) All approved towing service operators shall prominently post at locations readily visible to the public transacting business at the towing facility: two large signs with dimensions of at least 12 inches by 18 inches, describing the owner's rights to contest the legality of the towing and providing a telephone number of the city through which the owner may obtain more information.

(Code 1996, § 70-570; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, § 8, 6-19-2000)

Sec. 70-571. Procedures for releasing towed vehicles.

- (a) Before the owner, lienholder or any person legally entitled to the possession of any towed vehicle shall be permitted to remove the vehicle from an authorized storage location, the owner, lienholder or person legally entitled to possession of the vehicle shall furnish evidence of his identity and ownership or right to possession of the vehicle, shall sign a receipt for the vehicle and shall pay the towing and storage fees in an amount not more than the rates established in appendix B to this Code, and all unpaid fines, penalties, fees and costs for all of the parking citations listed in the notice provided under section 70-575(a)(2)b, if applicable. Additionally, unless the police department has notified the towing service operator in writing that no fine was assessed against the owner, lienholder or other person legally entitled to possession of the vehicle, and/or that no fine is to be collected, the owner, lienholder or other person legally entitled to possession of the vehicle shall present a voucher from the city police department to the towing service operator evidencing payment of the fine assessed against the owner pursuant to section 70-574, before the owner, lienholder or other person legally entitled to the vehicle shall be permitted to remove the vehicle from the authorized storage location.
- (b) The owner shall take possession of the vehicle within twenty-four (24) hours of payment. The owner may pay the full amount of fines, penalties, fees and costs, including towing and storage, and subsequently request a hearing pursuant to section 70-572.
- (c) Upon release of a towed vehicle as provided in this section, towing service personnel shall direct the owner's attention to the signs concerning notice and hearings posted pursuant to section 70-570(b).
- (d) Notwithstanding any provision of this article to the contrary, an owner may remove a towed vehicle without paying the full amount of the towing or storage fees upon presentation of an order for release issued pursuant to section 70-572(f)(2)b.
- (e) Notwithstanding any other ordinance or statutory provision to the contrary, any towing service operator authorized to perform tows on behalf of the city must perform its services subject to the provisions of this article. However, the towing company shall have the right to recover the reasonable value of its services, not paid by the vehicle owner, from the city.

(Code 1996, § 70-571; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, §§ 9, 10, 6-19-2000)

Sec. 70-572. Post-tow hearings.

- (a) The owner of a vehicle towed as a hazardous or unlawful vehicle pursuant to section 70-567(b) or the owner of a vehicle towed as an abandoned or inoperable vehicle who did not request a pre-tow hearing shall have fifteen (15) days after the date of mailing or personal service of notice, or fifteen (15) days after release of the vehicle, whichever occurs first, to request in writing a post-tow hearing to determine the validity of such tow, any towing or storage charges, and any fine assessed against the owner. Said written request shall be delivered to the police department within said 15-day period, or the right to a post-tow hearing under the

provisions of this article shall be deemed waived. The hearing will not be determinative of, or adjudicative of, any violation of any city ordinance, but shall only relate to whether the vehicle was properly towed.

- (b) Upon any request for a post-tow hearing being made, the city shall schedule a date and time for such hearing as follows:
 - (1) In those instances where the vehicle has been released upon the full payment of towing and storage charges and any fine assessed against the owner, lienholder or other person legally entitled to the vehicle, the hearing shall take place within fifteen (15) days after the receipt of such request for such hearing. Upon receipt of such request, but not less than forty-eight (48) hours before such hearing, the city shall notify the owner of the date and time for such hearing.
 - (2) In those instances where the vehicle has not been released, the hearing shall take place, unless otherwise agreed by the city and the owner, within forty-eight (48) hours after such request for such hearing, excluding weekends and holidays. Upon receipt of such request, the city shall notify the owner of the date and time of such hearing by telephone, by mail, or in person as the circumstances require.
- (c) Upon any request for a post-tow hearing being made, the city shall conduct the hearing in the manner provided in section 70-569 except where such procedures are not consistent with the provisions of this section.
- (d) After receiving all relevant evidence, the hearing officer shall issue a decision finding one of the following :
 - (1) The towing and storage of the vehicle was authorized by the laws of the state or by a city ordinance.
 - (2) There was no authority in law for the towing and storage of the vehicle, or the city officer or employee causing the vehicle to be towed did not comply with the requirements of the statute or ordinance authorizing the tow.
 - (3) The towing of the vehicle was authorized by law, but the owner was caused to incur additional storage charges because of late notification of towing or other reasons not the fault of the owner. The specific amount owed by the owner, and the specific amount excused, shall be stated in the decision.
 - (4) The request for hearing was not properly made.
 - (5) The person requesting a hearing failed to appear or obtain a continuance.
- (e) All fines, penalties, fees (including towing and storage) and costs shall be paid by the owner if the hearing officer makes a finding consistent with subsection (d)(1), (d)(4) or (d)(5) of this section. All fines, penalties, fees (including towing and storage) and costs shall be refunded or excused if the hearing officer makes a finding consistent with subsection (d)(2) of this section. All fines, penalties, fees (including towing and storage) and costs shall be prorated by the hearing officer if the hearing officer makes a finding consistent with subsection (d)(3) of this section.
- (f) The hearing officer shall advise the owner of his findings at the conclusion of the hearing, as follows:
 - (1) If the towing and storage was authorized by law, and is not otherwise reimbursable, the owner shall be so informed and further advised as to the amount due.
 - (2) If the towing and/or storage is found to be unauthorized or reimbursable:
 - a. If the vehicle has been released to the owner, the hearing officer shall complete and transmit to the chief of police for approval a printed voucher form for the amount to be reimbursed, including the amount of any fines to be reimbursed, along with the hearing officer's decision. The chief of police shall then transmit the voucher to the city treasurer for payment. Unless the city files a lawsuit to contest the decision of the hearing officer, the owner shall be paid the money due within twenty-eight (28) days after the decision of the hearing officer.
 - b. If the vehicle has not been released at the time of the hearing, the hearing officer shall issue an order for the release of the vehicle. Upon presentation by the owner to the towing service

operator of the order for release, the vehicle shall immediately be released to the owner without cost to the owner.

(g) All decisions, towing reports, and any associated police reports or documents shall be retained by the police department for a period of at least five (5) years after such hearing, or after each tow if no hearing was requested or held.

(h) The city or the owner may contest the decision of the hearing officer in accordance with state law.

(Code 1996, § 70-572; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, §§ 11—17, 6-19-2000)

Sec. 70-573. Disposal of towed vehicles.

(a) Within seven (7) business days after the date of impoundment of a vehicle towed pursuant to the provisions of this article, the police department shall forward written notification by personal service or certified or registered mail return receipt requested and by regular mail, to the registered owner, lienholder or other person legally entitled to possession of the vehicle, as previously determined for providing either pre-tow or post-tow notice, advising where the vehicle is being held, requesting that a disposition be made, and setting forth any public sale information.

(b) Any vehicle seven (7) years of age or newer towed pursuant to this article and which remains unclaimed by the registered owner, lienholder or other persons legally entitled to possession of the vehicle, for a period of thirty (30) days after notice has been given as provided in subsection (a) of this section, shall be sold by the police department at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under article II, chapter 5 of the Illinois Vehicle Code, or to the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the public sale, the police department shall forward notice by personal service, or certified or registered mail return receipt requested and regular mail, to the registered owner, lienholder, or other person legally entitled to the possession of the vehicle, stating the time and place of the sale, a complete description of the vehicle to be sold, and the steps which must be taken by such person to reclaim the vehicle. If the vehicle displays dealer plates, notice under this section shall be sent to both the dealer and the registered owner, lienholder or other person legally entitled to possession of the vehicle.

(c) When the identity of the registered owner, lienholder, or other person legally entitled to possession of a towed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this article, the vehicle may be sold as provided in subsections (a) and (b) of this section without notice to any person whose identity cannot be determined.

(d) Any vehicle of more than seven (7) years of age towed pursuant to this article, shall be kept in custody or storage for a minimum of thirty (30) days for the purpose of determining the identity of the registered owner, lienholder, or other person legally entitled to possession of the vehicle and for the purpose of contacting such person by certified or registered mail return receipt requested, or regular mail, or by public service or personal service for a determination of disposition. During this 30-day period, the police department shall have the state police examine its stolen vehicle files for theft and wanted information. At the expiration of the 30-day period, without benefit of disposition information being received from the registered owner, lienholder or other person legally entitled to possession of the towed vehicle, the towed vehicle may be disposed of in either of the following ways:

- (1) The police department may authorize the disposal as junk or salvage; or
- (2) The towing service may sell the vehicle in the manner provided for in subsection (b) of this section, provided that this subsection (d)(2) shall not apply to vehicles towed by order or authorization of a law enforcement agency; or
- (3) If the vehicle is classified as an antique vehicle, it may be sold to a person desiring to restore it.

- (e) The proceeds from the sale of any towed and impounded vehicle, after the deduction of towing, storage and processing charges, shall be deposited with the city treasurer.

(Code 1996, § 70-573; Ord. No. F-0320, § 1, 3-1-1999; Ord. No. F-0477, §§ 18—22, 6-19-2000)

Sec. 70-574. Citations.

It shall be unlawful for any person to keep any abandoned, hazardous, inoperable, or unlawful vehicle, as defined in section 70-566, on any real property in the city. Any person notified of a violation of this section by the police department or its duly authorized agent is subject to being cited and towed for a violation of this section, if the violation exists on the eighth day after a notice of violation was served. Notice may be given by placing a notice of violation sticker on the vehicle. Any person who is issued a citation for a violation of this section shall remove the vehicle in compliance with this article within seven (7) days from the date of the citation.

- (1) Any person who has received a citation for a violation of this section, but who has removed the vehicle before a tow could be made, shall pay a \$100.00 fine to the city within fifteen (15) days of the date of the citation. Failure to pay the fine within fifteen (15) days of the date of the citation shall result in a mandatory court appearance. Upon a plea or finding of guilt, the violator shall be subject to a fine not less than \$150.00 nor more than \$500.00, plus court costs.
- (2) Any person who has received a citation for a violation of this section and whose vehicle has been towed, shall pay a \$100.00 fine to the city directly, in addition to any towing and storage fees that the owner, lienholder, or other person legally entitled to possession of the vehicle is obligated to pay, prior to the release of the vehicle, in accordance with the other provisions of this article. Such persons may contest the fine as a part of the review process set forth in the other provisions of this article. Those persons who do not pay the \$100.00 fine and who do not seek the release of the vehicle shall be subject to a mandatory court appearance. Upon a plea or finding of guilt, the violator shall be subject to a fine not less than \$150.00 nor more than \$500.00, plus court costs.

(Code 1996, § 70-574; Ord. No. F-0477, § 23, 6-19-2000; Ord. No. F-0680, § 4, 2-4-2002; Ord. No. O-2024-01, § 1, 2-5-2024)

Sec. 70-575. Towing and Impoundment for Unpaid Parking Citations.

- (a) Any vehicle, the registered owner of which has been determined to be liable for five (5) or more vehicular standing or parking regulation violations, for which the fines, penalties, fees and costs assessed remain unpaid after the time has expired to contest the violations, may be towed and impounded by the police department or its agent if:
- (1) There has been a determination that a person is liable for five (5) or more violations, for which the fines, penalties, fees and costs remain unpaid.
 - (2) A notice has been affixed to the vehicle and has been sent, via first class mail, postage prepaid, to the registered owner of the vehicle at the address registered with the secretary of state of the state in which the vehicle is registered, which notice contains, but shall not be limited to the following information:
 - a. That a determination of liability has been made on five (5) or more violations, for which the fines, fees, penalties and costs remain unpaid;
 - b. A listing of the violations for which the person is liable, which shall include for each violation:
 - i. The ticket number;
 - ii. Date of issuance of the ticket;
 - iii. Total amount of fines, fees, penalties and costs assessed;
 - c. That the vehicle is subject to towing and impoundment if such vehicle is subsequently located on any city street, parking lot or other city-owned property and the fines, fees, penalties and costs are not paid within seven (7) days of the date of the notice; and

- d. That the registered owner may contest the validity of the notice in accordance with the procedures set forth in section 70-569.
- (3) The owner to whom a notice has been sent has failed to make payment of the fines, fees, penalties and costs as specified in the notice and has failed to request a hearing to contest the validity of the notice within seven (7) days of the date of the notice.
- (b) Pre-tow Hearing. If the owner submits a written request for a pre-tow hearing for a vehicle which may be towed due to the owner having five (5) or more unpaid parking citations, said hearing shall be conducted in accordance with the procedures set forth in section 70-569. Failure to request a hearing within the time frame set forth in the notice or attend a scheduled hearing shall be deemed a waiver of the right to a hearing.
- (c) Impoundment. After the expiration of seven (7) days after issuance of the notice set forth in 70-575(a)(3), if the parking citations listed in the notice have not been paid and if the city has not received a request for a hearing, or if the person requesting a hearing fails to appear at such hearing, the city may cause the vehicle to be towed and impounded if the vehicle is on any city street, parking lot or any other city-owned property. Such vehicle is hereby declared a public nuisance that may be abated by having such vehicle towed to a storage area and impounded therein.
- (d) Post-Impoundment Notice. If a vehicle has been towed and impounded pursuant to this section, the city shall, within forty-eight (48) hours after impoundment, send notice by certified mail, return receipt requested, to the owner of the vehicle, at the last address reflected in the records of the secretary of state of the state in which the vehicle is registered. The notice shall state the following:
 - (1) the date and time when the vehicle was impounded;
 - (2) the amount which must be paid to have the vehicle released;
 - (3) a contact name, address and phone number for where the fines, fees, penalties and costs may be paid;
 - (4) that the owner has the right to a post-impoundment hearing in accordance with the procedures set forth in section 70-572; and
 - (5) that if the vehicle is not claimed within thirty (30) days from the date of the notice, the vehicle may be sold or otherwise disposed of in accordance with this article and/or the Illinois Vehicle Code.
- (e) The only defenses available to a person who has requested a hearing are as follows:
 - (1) That the registered owner was not the owner of the vehicle on the date or dates the citations were issued; or
 - (2) That the fines, fees, penalties and costs for the citations listed in the notice have been paid in full; or
 - (3) That the registered owner has not accumulated five (5) or more citations which are unpaid or not adjudicated.
- (f) Fines and Fees for Towing and Impoundment. The fines, fees or costs for towing and impoundment in this section shall be in accordance with Appendix B to this Code. The owner, lienholder, or other person legally entitled to possession of the vehicle shall also be charged reasonable towing and storage costs, provided that no costs shall be assessed for any tow which has been determined to be erroneous.

Secs. 70-576 —70-599. Reserved.

SECTION 3. That Chapter 2 Administration, Article X System of Administrative Adjudications, Sections 2-585, 2-586, 2-588 and 2-590 are hereby amended as follows:

Sec. 2-585. Administrative hearings.

An administrative hearing shall be held to adjudicate an alleged ordinance/code violation on its merits, or to contest the validity of a violation notice in accordance with the following procedures:

- (a) *Hearing time and date; limited continuances:* Hearings for all must appear and contested allegations of violation shall be held on the date, time, and place as set forth in the violation notice issued. No continuances shall be authorized by the hearing officer in proceedings under this section, except in cases where a continuance is absolutely necessary to protect the rights of the alleged violator or upon agreement of the City and alleged violator. Lack of preparation shall not be grounds for a continuance.
- (b) *Strict rules of evidence inapplicable:* With regard to testimony heard and evidence presented, the strict rules of evidence applicable in judicial proceedings shall not apply to administrative hearings, subject to the condition that hearsay shall be admissible if it is the type of hearsay that would be relied upon by people in the normal experience of their daily lives.
- (c) The burden shall be on the city to prove by a preponderance of the evidence that the alleged violation occurred.
- (d) *Defenses to building and life safety code violations:* In the cases of building code and life safety code violations only, the only defenses to the allegation of a violation shall be:
 - (1) That the violation did not exist;
 - (2) The code violation has been caused by current non-owner occupants of a property and that despite the owner's efforts to keep the property free of such violations the current occupants continue to cause the code violations;
 - (3) The occupant or resident of the dwelling has refused entry to the owner or its agent for purposes of correcting the code violation;
 - (4) In the case where the hearing officer finds the defense set forth in subparagraph 2 or 3 above, such finding shall authorize the issuance of notices of violation against the occupants of the property who upon a finding of a violation shall become liable for any penalties, compliance or action order that can be entered by the hearing officer.
- (e) *Default.*
 - (1) If at the time set for hearing, an alleged violator or their attorney of record or designee, fails to appear, the hearing officer may enter a default judgment of liability and impose a penalty set forth in section 2-588 below against the alleged violator.
 - (2) Upon entry of a default judgment and penalty, the administrative adjudications administrator shall send, or cause to be sent, a copy of the order of default by first class mail, postage prepaid to the person who received the violation notice. Service of notices in accordance with this article shall be complete as of the date of the deposit of the order in the United States mail.
 - (3) A violator against whom a default judgment has been entered may file a motion to vacate the default judgment with the city prosecutor or hearing officer and request a new hearing. Said motion must be filed within fourteen (14) days of the date the default judgment was entered. A motion to vacate shall set forth the reasons the violator failed to appear on the original hearing date. The hearing officer shall hear and rule on the motion. If the hearing officer grants the motion, a hearing will be held immediately on the alleged violation set forth in the violation notice unless the violator requests another hearing date and presents good cause for continuing the hearing.

- (4) A default judgment constitutes a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq.
- (f) *Findings, decision and order.*
 - (1) Upon completion of the hearing, the hearing officer shall make a determination on the basis of the presented evidence as to whether a code violation existed or exists.
 - (2) The determination shall be made in writing and shall be designated as findings, decision, and order. Such determination shall constitute a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq.
 - (3) The findings, decision and order shall include:
 - (i) The hearing officer's findings of fact.
 - (ii) The decision as to whether a code violation exists or existed based upon the findings of fact.
 - (iii) The entry of a penalty as set forth in section 2-588 below.
 - (iv) Not liable if a code violation is not proven.
 - (4) A copy of the findings, decisions or order shall be served on the violator by first class U.S. mail within five days after it's issued. Service shall be complete as to the date of the deposit of the first-class mail in the United States mail.

(Ord. No. O-2021-26, § 1, 6-7-2021; Ord. No. O-2024-06, § 2, 2-20-2024)

Sec. 2-586. Order and sanction attached to property; memorandum of judgment or lien.

In the case of a Chapter 22, Buildings and Building Regulations, Articles I—XVII or Chapter 30, Fire Prevention and Protection, Articles I, IV, VI, and VII violation, the order to correct the violation, and sanctions imposed by the hearing officer as a result of a finding of a violation, shall attach to the property as well as the property owner so that a finding of a violation against one owner cannot be avoided by conveying or transferring the property to another. Any subsequent transferee or owner of the property takes subject to the findings, decision, and order of the hearing officer. The city may record a memorandum of judgment or lien against the property for any fines or penalties assessed against the respondent that have not been paid within the time required by section 2-588(b) or for any and all costs incurred by the city in the event the city or its agent remediates the code violations as allowed under section 2-588(a)(2).

(Ord. No. O-2021-26, § 1, 6-7-2021)

Sec. 2-588. Penalties and judgment collection procedure.

- (a) Where a finding of a violation is made, the following penalties or a combination thereof may be imposed.
 - (1) A penalty of not less than \$100.00, nor more than \$950.00, for each day the violation exists, provided however the cumulative amount of a penalty may not exceed \$50,000.00:
 - (2) Remediation of existing code violations within a specified time, and authorization to the City to take all necessary steps to remediate code violations at the respondent's expense if the respondent fails to do so;
 - (3) Prohibition of committing further code violations;
 - (4) Community service;
 - (5) Restitution.
- (b) All penalties shall be paid no later than 28 days after imposition by the hearing officer.

- (c) Any penalty, or other sanction imposed remaining unpaid after the exhaustion of, or failure to exhaust, judicial review procedures under the Administrative Review Law (735 ILCS 5/3-101, et seq.) shall be a debt due and owing the City collectible in accordance with applicable law.
- (d) After expiration of the period within which judicial review under the Administrative Review Law (735 ILCS 5/3-101, et seq.) may be sought for a final determination of a code violation, the city may commence a proceeding in the Eighteenth Judicial Circuit Court for purposes of obtaining a judgment on the findings, decision, and order. The city may consolidate multiple findings, decisions, and orders against a person in such proceeding. The determination of whether the city should commence a proceeding for purposes of obtaining a judgment for the findings, decision and orders shall be determined in the discretion of the city attorney.
- (e) Upon commencement of the action, the city shall file certified copies of the findings, decision, and order, as well as a certificate reciting sufficient facts to show the determination of the findings, decision and order was entered in accordance with this Article and applicable municipal ordinances.
- (f) Service of the summons and a copy of the petition may be by any method allowed by Illinois law provided that the total amount of the penalty imposed by the determination, findings, decision, and order does not exceed \$50,000.00, 65 ILCS 5/1-2.1-4(b)5.
- (g) The court may also issue any other orders, including injunctions, to enforce the order of the hearing officer to correct the code violation.

(Ord. No. O-2021-26, § 1, 6-7-2021; Ord. No. O-2024-06, § 2, 2-20-2024)

Sec. 2-590. Prepayment before administrative hearing.

- (a) The following violations are eligible for prepayment if so indicated on the violation notice, absolving the violator with the need to appear:

Pay by Mail
Chapter 6, section 6-6 underage possession or consumption
Chapter 6, section 6-7 parental responsibility
Chapter 6, section 6-8 resp. of owner or occupant
Chapter 6, section 6-11 caterers
Chapter 14, Art II; IV; VI
Chapter 26, Art V, Sec 26-138
Chapter 30, Art I
Chapter 36, except for 36-30(b)
Chapter 42, section 42-1, (Class C or petty)
Chapter 42, sections 42-8, 42-9, 42-10, 42-11, 42-12, 42-16, 42-17, 42-18, 42-19, 42-20, 42-21, 42-25, 42-28, 42-30, 42-31, 42-32, 42-33, 42-106

- (b) Except for parking violations defined in Sec. 70-387. Unauthorized use of parking spaces reserved for persons with disabilities, violations of chapter 70 may be prepaid at a rate of \$30.00 per violation. Singular parking violations defined in Sec. 70-387. in a 12-month period may be prepaid without appearance at a rate of \$350.00. Multiple parking violations defined in Sec. 70-387. in a 12-month period shall be a must appear.
- (c) All other violations eligible for prepayment may be prepaid at a rate of \$75.00 per violation.
- (d) The payment for any violation eligible for prepayment, except violations of chapter 70, must be received within 15 calendar days of the date the violation notice was issued. The payment for any violation of chapter 70 must be received within 7 calendar days of the date the violation was issued. Failure to receive payment within the required timeframe will result in the violation being routed to an administrative hearing.

(Ord. No. O-2021-26, § 1, 6-7-2021; Ord. No. O-2024-06, § 2, 2-20-2024)

SECTION 4: In all other respects, the terms and provisions of the Wheaton City Code are ratified and remain in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

SECTION 6: In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 7: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet from in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes:	Councilman Weller
	Councilwoman Bray-Parker
	Councilwoman Brice
	Councilman Brown
	Mayor Suess
	Councilman Clousing
	Councilwoman Robbins

Nays:	None
Absent:	None
	<u>Motion Carried Unanimously</u>

Passed: October 20, 2025

Published: October 21, 2025