

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 1.20 AND ARTICLE 3, DIVISION I (PENALTIES)  
OF THE CODE OF ORDINANCES OF THE CITY OF CREST HILL, ILLINOIS.**

**WHEREAS**, the City Council of the City of Crest Hill has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens, including but not limited to police powers; and

**WHEREAS**, Sections 11-1-1 and 11-60-2 of the Illinois Municipal Code authorize the Corporate Authorities to pass and enforce all necessary police ordinances and may define, prevent and abate nuisances (65 ILCS 5/11-1-1 and 65 ILCS 5/11-60-2); and through adoption of the Illinois Vehicle Code, the Corporate authorities are authorized to regulate public safety through the adoption of Ordinances related to police powers, traffic and vehicle regulation, including the adoption of Ordinances regulating parking within the City; and

**WHEREAS**, the Corporate Authorities are authorized by the Illinois Municipal Code to adopt a system of Administrative Hearings (65 ILCS 5/1-2.1-1 et. seq.); and

**WHEREAS**, The City of Crest Hill has previously exercised said authority by adopting Chapter 1.20 Administrative Citations, and amending it from time to time; and

**WHEREAS**, the City Council has previously exercised its authority by adopting Article 3 of its Municipal Code regarding parking penalties and enforcement, and amending said Ordinances from time to time; and

**WHEREAS**, The City Council has determined that it is necessary to amend the City of Crest Hill Code Chapter 1.20 Administrative Citations, as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Crest Hill, Illinois, as follows:

**SECTION 1: PREAMBLE.** The preamble of this Ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

**SECTION 2: APPROVAL.** Chapter 1.20 and Article 3 (Penalties and Enforcement), Division I (Penalties) of the Crest Hill Code of Ordinances is hereby repealed and replaced in its entirety as follows:

**CHAPTER 1.20: ADMINISTRATIVE CITATIONS**

**Section**

- 1.20.010 Definition
- 1.20.020 Administrative citation
- 1.20.025 Administration of citation procedures
- 1.20.030 Compromise and payment of citation
- 1.20.040 Prosecution upon non-compliance
- 1.20.050 Exception

**§ 1.20.010 DEFINITION.**

As used in this chapter, **ADMINISTRATIVE CITATION** is defined as a written ticket served upon a person or entity who has offended one or more provisions of the code where the sworn police officer, Department Head or their designee detecting the offense or enforcing the relevant code provision elects not to arrest the offender and issue a formal complaint, but instead elects to issue the citation and invoke administrative enforcement without initially resorting to court process.

#### **§ 1.20.020 ADMINISTRATIVE CITATION.**

(A) In lieu of initial prosecution of a violation of any provision of this code, any person or entity accused of such a violation may be issued an administrative citation which shall require the violator to:

- (1) Pay an administrative fee to the city within fifteen (15) calendar days of issuance of the citation, as a settlement and compromise of the claim against the violator, as set out below; and
- (2) Correct, repair, or rectify any condition which constitutes a continuing violation of a city ordinance or regulation within the period specified in the administrative citation.

(B) The administrative citation shall be issued as a courtesy to the violator in lieu of instituting a prosecution for the alleged violations. If the person accused of the violation fails to settle and pay the claim within the period specified in the administrative citation, further administrative and judicial action by the city shall be in accordance with §§ 1.20.030 and 1.20.040 herein. The Chief of Police is authorized to promulgate administrative regulations to implement the administrative ticket program, including production of an appropriate form citation to be issued to the violator.

#### **§ 1.20.025 ADMINISTRATION OF CITATION PROCEDURES.**

(A) Sworn police officers shall be empowered to administer administrative citations for all violations of this code and the Crest Hill Zoning Ordinance, being Ord. No. 789, amended by Ord. No. 1151, amended by Ord. No. 1778. The Community and Economic Development Director or their designee shall be empowered to issue administrative citations relating to building code violations, builders' and contractors' registration and/or permit violations, zoning ordinance violations, violations of any rental property or other real property inspection provisions contained in this code, public nuisances, illegally stored junk and illegally stored vehicles, and parking tickets.

(B) Any administrative citations issued by a sworn police officer will proceed for administration purposes through the Police Department. Any matter related to administrative citations issued by a Department Head, or their designee shall proceed through the Community and Economic Development Department and the Community and Economic Development Department shall keep separate records concerning the administration of said code violations. Provided, however, once there has been failure or refusal of the violator to proceed with compromise and payment of a citation as specified in § 1.20.030, all further prosecution for noncompliance through the local court system shall fall under the administration of the Police Department under § 1.20.040.

(C) Form citations under 1.20.020(B) shall be uniform as between the Police Department and the Community and Economic Development Department, and the Police Department shall provide standard form citations to the Community and Economic Development Department for issuance of the administrative citations. The regulations of the Chief of Police with respect to administrative tickets shall apply to the Community and Economic Development Department to the extent that they do not conflict with the provisions of this chapter.

#### **§ 1.20.030 COMPROMISE AND PAYMENT OF CITATION.**

(A) Within fifteen (15) calendar days of issuance of the citation, or the next business day if the fifteenth day falls on a Saturday, Sunday or holiday observed by the city, the violator may settle and compromise the citation by paying the fine listed on the citation to the corresponding department.

#### **§ 1.20.040 PROSECUTION UPON NON-COMPLIANCE.**

If the recipient of the citation does not pay the administrative fee within the time period set out in § 1.20.030(B) above, the citation shall be subject to the hearing procedures set forth in Chapters 1.24 and 1.28.

#### **§ 1.20.050 EXCEPTION.**

This chapter shall not apply to any provisions of the Illinois Motor Vehicle Code which may be required by that code to be prosecuted in court through issuance of a uniform traffic citation.

### **ARTICLE 3. PENALTIES AND ENFORCEMENT.**

#### **DIVISION I. PENALTIES**

10.01.3-100. Misdemeanors.

10.01.3-101. Fines.

10.01.3-102. Sentencing for driving under the influence of intoxicating liquor or other drug.

10.01.3-103. Penalties for Parking violations.

### **ARTICLE 3. PENALTIES AND ENFORCEMENT**

#### **DIVISION I. PENALTIES**

#### **10.01.3-100. MISDEMEANORS.**

It is unlawful and a misdemeanor for a person to do any act forbidden or fail to perform any act required in this Ordinance.

#### **10.01.3-101. FINES.**

Every person found guilty of a violation of any of the provisions of this chapter for which another penalty is not provided for shall be fined for a first offense not less than \$50, but no more than \$750; for a second such finding of guilty within a 12-month period thereafter, the person shall be fined not less than \$100, but no more than \$750; and for a third or subsequent finding of guilty within the same 12 month period, the person shall be fined not less than \$150, but not more than \$750.

(Am. Ord. 998, passed 7-1-96)

#### **10.01.3-102. SENTENCING FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR OTHER DRUG.**

A person convicted of violating § 11-501 of this code shall be guilty of a Class A Misdemeanor as the same is defined in the Statutes of the State of Illinois. Sentencing shall be imposed as provided under the Unified Code of Corrections, 730 ILCS 5/1-1-1 et seq.

### **10.01.3-103. PENALTIES FOR PARKING VIOLATIONS.**

Whenever any motor vehicle is found to be parked in violation of this chapter with respect to rules prohibiting parking a vehicle in a designated area or according to a designated manner, or with respect to rules restricting the time a vehicle may be parked in a certain location, or with respect to parking in a metered area to cover the required time for the parking spaces occupied, or whenever any vehicle found parked within the city limits is found to be in violation of Chapter 10 of this code, the following provisions for penalties shall apply:

(A) The penalties for parking violations other than violations with regard to handicap parking zones that are not issued on a uniform traffic citation form, violations of § 10-602 for parking during or after two inches of snowfall, improperly parking within 15 feet of a fire hydrant [ILCS Ch. 625, Act 5, § 11-303(a)(2)(b)], and improperly parking within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway [ILCS Ch. 625, Act 5, § 11-3-3(a)(2)(d)], and improperly parking in a marked fire lane shall be as follows:

(1) The fine shall be \$50, but will be discounted to \$30 if paid within 48 hours of the issuance of the citation;

(2) After 48 hours or at any time until the citation is called for hearing on the date of the administrative hearing, the fine of \$50 may be paid;

(3) Once the citation is called for hearing on the date of the administrative hearing, the fine shall be between \$75 and \$750, as determined by the Administrative Hearing Officer.

(B) With respect to handicapped parking zone violations as set out in Section 10.01.11-1301.1 of the Crest Hill Vehicle Code, the fine shall be \$350 but shall be discounted to \$250 if paid within 48 hours of the issuance of the citation. After 48 hours, or at any time until the citation is called or hearing on the date of the administrative hearing, the fine of \$350 may be paid. Once the citation is called for hearing on the date of the administrative hearing, the fine shall be \$350.

(C) The penalty for violation of § 10-602 making it unlawful to park on any city streets during or after two inches of snowfall shall be as provided in § 10.01.10-602(D).

(D) The penalty for improperly parking within 15 feet of a fire hydrant [625 ILCS 5/11-303(a)(2)(b)], within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway [625 ILCS 5/11-3-3(a)(2)(d)], and for improperly parking in a marked fire lane (§ 10.01.10-615) shall be \$75.

(E) Any police officer of this city shall conspicuously attach to such vehicle a citation on a form as described in division (F) of this section which citation shall advise the owner or operator of said vehicle that he has violated a parking provision of this code or shall hand said notice directly to the owner or driver if he is present when the citation is written.

(F) The form of said citation shall contain space to record the make and model of the violator's vehicle, and the vehicle license plate number. The citation shall also contain a space sufficiently large to record the violation in English of whichever municipal traffic code is involved along with the applicable code section. The citation shall also contain directions as to payment of the fine within 48 hours of issuance of the citation, allowing for payment by mail or at the Police Department, and shall specify the fine schedule for the offense charged. The citation shall conspicuously inform the violator that if the fine is not paid within 48 hours, the fine will increase, and that he may appear at the administrative hearing if he seeks exoneration from paying the fine. The form shall be signed by the officer issuing the citation.

(G) If the violator has not paid the fine within 48 hours of date of issuance, the Police Department shall send to the registered owner of the offending vehicle of the violator, if known, a notice mailed by

first-class mail to his last known address as that address is reflected by the current records of the office of the Illinois Secretary of State. Said mailed notice shall specify:

- (1) The fact that the original citation was issued on a certain date, and that payment of the fine has not been made, and the early payment discount period has expired;
- (2) In cases where the violation is for handicapped parking, that payment of the fine has not been made and the early payment discount period has expired;
- (3) If the fine is not paid before the citation is called for hearing on the date of the administrative hearing, the city shall appear at the administrative hearing and seek a judgment against the violator for the full amount of the fine;
- (4) If the violator or registered owner is not present on the administrative hearing date, a judgment may be entered against him.

(H) Whenever the Police Department receives notice in person from a violator who wishes to contest the citation in Court, the Police Department or its authorized representative shall give written notice to the violator of his administrative hearing date, time and place and shall cause the officer or person who issued the citation to be present on that given date and time, at which time a hearing on the merits shall be had. Where the Police Department has already provided the violator with a notice of administrative hearing date pursuant to division (G) of this section, that date shall stand as the administrative hearing date.

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PASSED THIS 19<sup>TH</sup> DAY OF MAY, 2025.

	Aye	Nay	Absent	Abstain
Alderman Scott Dyke	_____	_____	_____	_____
Alderman Angelo DiSerio	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

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Christine Vershay-Hall, City Clerk

APPROVED THIS 19<sup>TH</sup> DAY OF MAY, 2025.

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Raymond R. Soliman, Mayor

ATTEST:

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Christine Vershay-Hall, City Clerk