

**THE CITY OF HARVEY
COOK COUNTY, ILLINOIS**

**ORDINANCE
NO. 3495**

**AN ORDINANCE AMENDING CHAPTER 10 (MOTOR VEHICLES AND TRAFFIC) AND Title
2 ("CITY GOVERNMENT AND ADMINISTRATION"), CHAPTER 2-20 ("ADMINISTRATIVE
ADJUDICATION SYSTEM") OF THE HARVEY MUNICIPAL CODE OF ORDINANCES**

ADOPTED BY THE
CITY COUNCIL
CITY OF HARVEY

THIS 14th DAY OF August, 2024

Published in pamphlet form by authority of the City Council of the City of Harvey, Cook County
Illinois, this 15th day of August, 2024.

ORDINANCE NO. 3495

BE IT ORDAINED by the Mayor and City Council of the City of Harvey, Cook County, Illinois, pursuant to its home rule powers, THAT:

AN ORDINANCE AMENDING TITLE 10 (MOTOR VEHICLES AND TRAFFIC) AND TITLE 2 ("CITY GOVERNMENT AND ADMINISTRATION"), CHAPTER 2-20 ("ADMINISTRATIVE ADJUDICATION SYSTEM") OF THE HARVEY MUNICIPAL CODE OF ORDINANCES

be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

The City of Harvey ("City") is a home rule municipality under the Illinois Constitution of 1970 and is authorized to implement a system of administrative adjudication.

The City has previously adopted a system of administrative adjudication for any violation of a municipal ordinance. The Illinois Supreme Court has found and held home rule municipalities may adjudicate, under the local administrative adjudication system, any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and any reportable offense under Section 6-204 of the Illinois Vehicle Code. *Robert Cammacho Jr., et al., v. The City of Joliet*, 2024 IL 129263. As a result, the City desires to revise Title 10 of its Municipal Code of Ordinances (Motor Vehicles and Traffic) to clarify that Title 10 incorporates the Illinois Vehicle Code and to revise Title 2 (City Government and Administration), Chapter 2-20 ("Administrative Adjudication System") to revise its administrative adjudication system to permit the prosecution of moving traffic offenses and reportable traffic offenses.

Section 2. AMENDMENT TO TITLE 10.

A. Title 10 ("Motor Vehicles and Traffic of the Harvey Municipal Code of Ordinances shall be, and hereby is, amended as follows (additions in **bold and underline**; deletions in ~~**bold and strikeout**~~; omitted language is not intended to be amended):

Sec. 10-04-001. Adoption of the Illinois Vehicle Code.

I. Administrative adjudication of municipal code violations.

The City of Harvey, by this ordinance, hereby enacts a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution [Illinois Const., Art. I, § 1 et seq.]. A "system of administrative adjudication" means the adjudication of any violation of a municipal ordinance as authorized by Chapter 2-30 of this Code.

II. There is hereby adopted by reference the Illinois Vehicle Code, Act 625, Acts 5 and 25 (the "Vehicle Code"), as it presently exists and as hereafter amended, the same being a public record of the state, with the exception of certain sections thereof hereinafter set forth.

A. Excluded from adoption by reference by this section are the following sections of the aforesaid Illinois Vehicle Code:

1. Chapter 2 in its entirety, 625 ILCS 5/2;

2. Chapter 3, Article I, II, V, VI, VIII and IX;
3. Chapter 5, 625 ILCS 5/5;
4. Chapter 7, 625 ILCS 5/7;
5. Chapter 8, 625 ILCS 5/8;
6. Chapter 9, 625 ILCS 5/9;
7. Chapter 10, 625 ILCS 5/10;
8. Chapter 13, 625 ILCS 5/13-101 to 5/13-114;
9. Chapter 16, 625 ILCS 5/16-101 to 5/16-107;
10. Chapter 17, 625 ILCS 5/17;
11. Chapter 18, 625 ILCS 5/18; and
12. Chapter 20, 625 ILCS 5/20.

(a) ILCS Ch. 625, Act 5, Chapter 15, including its numbering system, size, weight and load regulations, and violations/penalties, as amended from time to time, is hereby adopted by reference as fully as if set out at length herein, to be applied within the corporate limits of the city to the extent permitted by law and to the extent that its subject matter is not regulated by the city's code or inconsistent with any lawful provisions of the city's code.

(b) All citations issued for violations that are to be prosecuted by the City of Harvey Prosecutor, City of Harvey Legal Department, City of Harvey City Attorney, City of Harvey Corporation Counsel, including their designees, shall be written in the name of the City of Harvey and shall designate the violation as an ordinance violation on the traffic citation, ticket, complaint, or compliance ticket. For example, a violation for overweight trucks (625 ILCS 5/15-111) would be designated "Harvey Code, Ch. 10, §15-111".

Section 3. AMENDMENT TO TITLE 2.

- A. Title 2 ("City Government and Administration"), Chapter 2-20 ("Administrative Adjudication System") of the Harvey Municipal Code of Ordinances shall be, and hereby is, amended as follows (additions in bold and underline; deletions in bold and strikeout; omitted language is not intended to be amended):

Chapter 2-30: Administrative Adjudication System

2-30-020. Definitions.

For purposes of this chapter, the following words shall have the following meanings:

(b) Code. Any municipal ordinance, law, rule, regulation or code set forth in Titles 1 through 17, inclusive, except:

1. such ordinances for which the potential penalty described therein includes a period of incarceration;
2. ~~any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles; and~~
3. ~~any reportable offense under Section 6-204 of the Illinois Vehicle Code.~~

2-30-040. Jurisdiction.

Those matters subject to administrative hearings provided by this chapter include violations of the Code and violations of the Illinois Vehicle Code ~~relating to standing, parking or conditions of vehicles.~~

2-30-050. Hearing Administrator.

There is hereby created the title of Hearing Administrator who shall be appointed or identified by the Mayor. The Hearing Administrator shall be responsible for maintaining the records of the system, developing forms, preparing notices, scheduling hearings, recording hearings, providing hearing dispositions to participants, preparing liens, enforcing judgments, and any other necessary duties to ensure the efficient operation of administrative hearings. The Mayor may also appoint such other persons to assist the Hearing Administrator. **The Hearing Administrator shall also be responsible for reporting to the Illinois Secretary of State any final determination of liability for any reportable offense under Section 6-204 of the Illinois Vehicle Code.**

2-30-110. Final Determination of Liability for Ordinance Violations.

(a) Following a final determination of liability, a notice of Final Determination shall be sent to the respondent setting forth the following:

1. The findings decision, and order of the Administrative Hearing Officer.
2. A statement that the unpaid fine and any penalty assessed is a debt due and owing to the City.
3. A date by which the violation must be brought into compliance with the Code.

(b) The respondent has the right to appeal the final determination of violation liability in the Circuit Court of Cook County pursuant to the Illinois

Administrative Review Act, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Harvey.

~~(c) Following a final determination of liability for any reportable offense under Section 6-204 of the Illinois Vehicle Code, the Hearing Administrator shall report to the Secretary of State, in the manner required by said office, the information required to be reported pursuant to Section 6-204. The Hearing Administrator may consolidate multiple final determinations of liability in making reports to the Secretary of State.~~

B. Title 10 ("Vehicles and Traffic"), Chapter 10-88 ("Penalties"), Section 060 ("Penalties for violations of other provisions") of the Harvey Municipal Code of Ordinances shall be, and hereby is, amended as follows (additions in bold and underline; deletions in bold and strikeout; omitted language is not intended to be amended):

10-88-060 Penalties for violations of other provisions

Except as provided for in Sections 10-88-030 and 10-88-040, every person who violates any provisions of this title shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than ~~five hundred~~ **one thousand** dollars (~~\$500.00~~ **1,000.00**) per violation. Each day that the violation continues shall be considered a separate offense. **The amount of the fine assessed should increase with each repeat violation up to the maximum described in this Section.**

Section 3. SEVERABILITY. This Ordinance and every provision thereof shall be considered severable and the invalidity of any section clause, paragraph, sentence or provision of this Ordinance will not affect the validity of any other portion of this Ordinance.

Section 4. SUPERSEDER. All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict.

Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect, after its passage and publication in pamphlet form, in accordance with the law. The provisions of the Harvey Municipal Code amended herein shall be reprinted with the changes.

PASSED by the Mayor and City Council of the City of Harvey, Cook County, Illinois on the 14th day of August, 2024, by the following roll call vote:


| | YES | NO | ABSENT | PRESENT |
|-------------|-----|----|--------|---------|
| Drewenski | x | | | |
| Chapman | | x | | |
| Smith | x | | | |
| Key | | x | | |
| Randle El | x | | | |
| Rogers | x | | | |
| Mayor Clark | | | | |

Approved by the Mayor on this 14th day of August, 2024.



Christopher J. Clark, Mayor

ATTEST:



Rosa Arambula, City Clerk