
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 22 - 14

**AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE
VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES**

Passed by the Board of Trustees, November 10, 2022

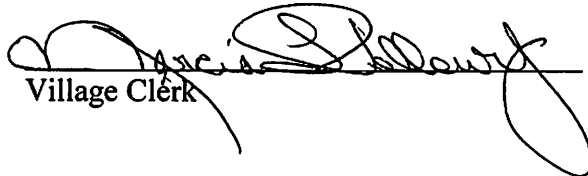
Printed and Published November 10, 2022 in Pamphlet Form
By Authority of the Village Board of Trustees

**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

**ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, VILLAGE CLERK**

**ANNETTE BRZEZNIAK VOLPE
GENE BRUTTO
ANNA BRZozowski WEGRECKI
ZBIGNIEW LEWANDOWSKI
LAWRENCE STEINER
GIUSEPPE "JOE" ZERILLO**

I hereby certify that this document was
properly published in pamphlet form
by authority of the Board of Trustees
on the date stated above.


Village Clerk

**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 22-14

**AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE
VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES**

WHEREAS, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

WHEREAS, fleeing or attempting to elude a peace officer occurs when any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring their vehicle to a stop, willfully fails or refuses to obey such direction, increases their speed, extinguishes their lights, or otherwise flees or attempts to elude the officer (see 625 ILCS 5/11-204); and

WHEREAS, fleeing or attempting to elude a peace officer is a Class A misdemeanor and upon receiving notice of such conviction the Secretary of State shall suspend the drivers license of the person so convicted for a period of not more than 6 months for a first conviction and not more than 12 months for a second conviction. A third or subsequent violation is a Class 4 felony. Aggravated fleeing or attempting to elude a peace officer is a Class 4 felony (see 625 ILCS 11-204.1); and

WHEREAS, the Village of Harwood Heights Police Department’s pursuit policy is

similar to most agencies in the area and country and requires a forcible felony to engage in a motor vehicle pursuit. While these pursuit policies have been in place for many years, public knowledge that police are limited from engaging in motor vehicle pursuits related to minor offenses has resulted in an increase of incidents of fleeing and eluding; and

WHEREAS, the Village of Harwood Heights has experienced an increase in motor vehicle fleeing and eluding incidents over time; and

WHEREAS, investigation and prosecution of motor vehicle fleeing and eluding cases require significant police resources, including, but not limited to, multiple hours spent reviewing video, preparing police reports, conducting interviews, and conducting internal administrative reviews; often without any arrests due to not being able to positively identify the driver of a fleeing vehicle; and

WHEREAS, the increased number of fleeing incidents endangers the public and puts an unreasonable strain on police resources; and

WHEREAS, an analysis by the Village of Harwood Heights Police Department has determined that it costs the police department no less than seven hundred and fifty dollars (\$750) in resources for every incident of motor vehicle fleeing and eluding; and

WHEREAS, absent a positive identification of a driver of a motor vehicle, the registered owner of a motor vehicle is in the best position to know who is operating the registered owner's motor vehicle and to prevent the motor vehicle from being used in to flee or attempt to elude peace officer; and

WHEREAS, for the benefit of the health, safety and welfare of the Village's residents, when drivers or operators who commit criminal violations for fleeing or attempting to elude a peace officer are not able to be apprehended, it is necessary and desirable to shift a portion of the

Village's costs related to said criminal activity to the registered owner of the motor vehicle that was driven or operated to commit the criminal offense. The administrative fee is not intended to be nor is calculated as a revenue generating fee, but rather is only enacted to recover the police resources expended in connection with responding to this criminal activity; and

WHEREAS, in an effort to protect the public health, safety, and welfare, the Village of Harwood Heights has a clear and compelling interest in exercising its home rule authority as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

SECTION 1. RECITALS. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT. Title 10 ("Vehicles and Traffic") of the Village of Harwood Heights Code of Ordinances, shall be, and hereby is amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**), with those subsections not set forth herein remaining in effect as currently written:

10.80 – Administrative Fees. **The Police Department will charge an administrative fee of seven hundred and fifty dollars (\$750.00) to the registered owner of a motor vehicle that the police department has probable cause to believe was driven or operated within the jurisdictional limits of the Village of Harwood Heights to commit the criminal offense of fleeing or attempting to elude a peace officer under 625 ILCS 11-204 or 625 ILCS 11-204.1.**

1. The registered owner of the motor vehicle shall be established by the Police Department's vehicle registration inquiry with the Illinois Secretary of State.

2. Notice shall be given in writing to the registered owner. The notice shall include the following:

i. Statement that the driver or operator of a motor vehicle registered to said owner fled or attempted to elude a Village police officer after having been given a visual or audible signal by a peace officer directing such driver or operator to bring his or her vehicle to a stop.

ii. Date, approximate time, and approximate location of the event.

iii. Description of the motor vehicle as contained in the police officer's report.

iv. Notice of the opportunity to contest the imposition of the administrative fee by hearing with instructions on how to do so.

v. Notice that the administrative fee constitutes a debt due and owing to the Village. If the registered owner does not request a hearing to contest the administrative fee within thirty (30) days of service, the registered owner shall have thirty (30) days to pay the debt. If not paid, the Village may seek to obtain a judgment on the debt and collect the judgment in any manner provided by law.

3. Notice shall be served upon the registered owner in any of the following manners:

i. Personal service by handing the notice to the registered owner, or to their employees or agents, by any authorized Village of Harwood Heights official, police officer, or code enforcement officer.

ii. Mailing the notice by certified mail, return receipt requested, to the registered owner's last known address, according to the Illinois Secretary of State; or in the case of a business, to the address for the registered agent or the address for its principal place of business.

iii. Personal service of process as authorized by the Illinois Code of Civil Procedure, 735 ILCS 5/2-203.3.

The date of service shall be the date in which personal service is accomplished or the date on which the written notice is mailed.

4. Liability for the administrative fee under this Section may be transferred by the police department from the registered owner of the motor vehicle that the police department has probable cause to believe was used in fleeing or attempting to elude a peace officer to the driver or operator of said motor vehicle at the time of the offense, if the registered owner produces to the Police Department an affidavit attesting to the same, signed, under penalties of perjury, and notarized by both the registered owner and the driver or operator. Said affidavit must be served to the Police Department within thirty (30) days of the imposition of the administrative fee.

10.82 – Request for Hearing.

A. An individual entity charged with an administrative fee may request, in writing within thirty (30) days of the imposition service of the notice of the administrative fee, a hearing.

- B. The Chief of Police or their designee shall conduct the hearing.
- C. The hearing shall be informal, not subject to the formal rules of evidence, and may be conducted over the phone.
- D. If, after the hearing, the Chief of Police or their designee determine that the imposition of the administrative fee was proper then they shall direct the collection of the administrative fee.
- E. If there is a determination that imposition of the administrative fee was improper, then the arrestee entity charged with the administrative fee shall not be required to pay the administrative fee. If the administrative fee has already been paid then the same will be refunded.
- F. The individual entity charged with an administrative fee may appeal the decision of the Chief of Police, or their designee, by requesting, in writing, within fourteen (14) days of the decision, an administrative hearing as set forth herein.

10.84 – Appeal – Administrative Hearing.

- A. Upon the timely written request by the individual entity who has been charged the administrative fee, a hearing on the lawfulness of the imposition of the administrative fee shall be conducted in conjunction with the administrative adjudication section of this Code.
- B. Any sworn or affirmed report that is prepared in the performance of a law enforcement officer's duties and sufficiently describes the circumstances leading to the individual's arrest and processing or that a motor vehicle registered to the entity charged with an administrative fee was used in fleeing or attempting to elude a peace officer under 625 ILCS 11-204 or 625 ILCS 11-204.1 shall be admissible prima facie evidence of probable cause and the individual's entity's liability, unless rebutted by clear and convincing evidence.
- C. If after the hearing, the hearing officer finds that the imposition of the administrative fee was proper under the terms of this Chapter, the Hearing Officer may enter a written order finding the individual entity civilly liable to the Village of Harwood Heights.
- D. If the individual entity requests a hearing but fails to appear at the hearing, the hearing officer may enter a default order for the amount of the administrative fee against the individual entity.
- E. If the individual entity fails to timely request a hearing, an order for the amount of the administrative fee shall be entered against the individual entity, unless said individual entity has affirmatively waived the right to an administrative hearing and agreed to pay the administrative fee.
- F. If after hearing, the hearing officer finds that the imposition of the administrative fee was improper then, the individual entity will not be charged the administrative fee.

10.86 –Administrative Fee a Debt.

The administrative fee imposed upon an individual entity shall constitute a debt due and owing to the Village. If an individual entity has not previously paid the administrative fee, the individual entity shall have thirty (30) days to pay the debt. If not paid, the Village may seek to obtain a judgment on the debt and collect the judgment in any manner provided by law.

SECTION 3. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

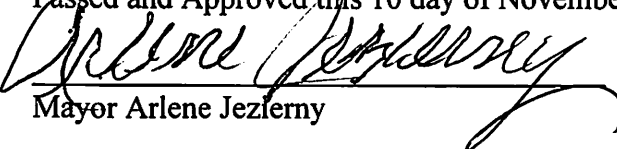
AYES: Trustee Brutto, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

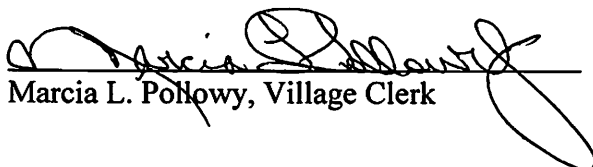
ABSTAIN:

Passed and Approved this 10 day of November, 2022.



Mayor Arlene Jezlorny

ATTEST:



Marcia L. Pollowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 22-14 entitled:

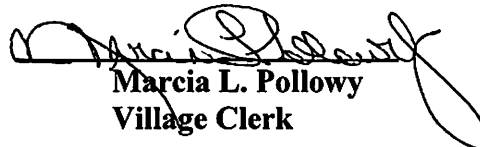
AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 10th day of November, 2022.

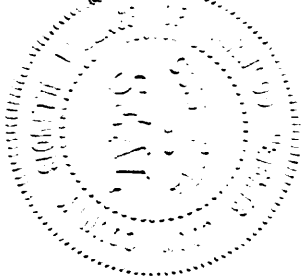
I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 11th day of November, 2022.


Marcia L. Pollowy
Village Clerk

Corporate Seal



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