

CHAPTER 18
ADMINISTRATIVE HEARING PROCEDURES

18.01 PURPOSE: The purpose of this Chapter is to provide for fair and efficient enforcement of village ordinances as may be allowed by law and directed by ordinances through an administrative adjudication of violation of village ordinances and establishing a schedule of fines and penalties, and authority and procedures for the collection of unpaid fines and penalties. To that end, the Village adopts 65 Illinois Compiled Statutes 5/1-2.2-1 et seq., 5/11-31.1-1 et seq., and 625 Illinois Compiled Statutes 5/11-208.3, 5/11-208.6 and 5/11-1201.1. All authority granted to the Village under said statutes is implemented as provided in the provisions of this Chapter and all other Chapters of the local ordinances of the Village of Johnsburg.

18.02 DEPARTMENT ESTABLISHED: There is hereby established a department of the Village of Johnsburg municipal government to be known as the Village of Johnsburg Ordinance Enforcement Department and which has the power to enforce compliance with all municipal ordinances as from time to time are authorized by the corporate authority, except for any reportable offense under 625 Illinois Compiled Statutes 5/6-204 and traffic regulations governing the movement of vehicles and prohibited from local adjudication under 65 Illinois Compiled Statutes 5/1-2.2-5 other than a notice of violation pursuant to an automated traffic law enforcement system which shall be enforced pursuant to this chapter. The establishment of the ordinance enforcement department does not preclude the Village from using any legal system or other method to enforce ordinances of the Village.

18.03 DEPARTMENT ADMINISTRATOR; POWERS AND DUTIES: The Village Administrator or his/her designee shall be in charge of the Village of Johnsburg Ordinance Enforcement Department and is authorized and directed to:

- A. Operate and manage the system of administrative adjudication of village ordinance violations as may be permitted by law and directed by ordinance.
- B. Adopt, distribute and process all notices as may be required under this chapter or as may be reasonably required to carry out the purpose of this chapter.
- C. Collect monies paid as fines and/or penalties assessed after a final determination of liability.
- D. Certify copies of final determination of an ordinance violation adjudicated pursuant to this chapter, and any factual reports verifying the final determination of any violation liability which was issued in accordance with this chapter and the laws of the state of Illinois including 625 Illinois Compiled Statutes 5/11-208.3 as from time to time amended.

- E. Certify reports to the secretary of state concerning initiation of suspension of driving privileges in accordance with the provisions of this chapter as hereinafter set forth, and those of 625 Illinois Compiled Statutes 5/6-306.5.
- F. Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
- G. Collect unpaid fines and penalties through private collection agencies and pursue all post-judgment remedies available by current law.

18.04 ADMINISTRATIVE HEARING OFFICER:

- A. Creation and Qualifications: The position of Administrative Hearing Officer is hereby created. The Administrative Hearing Officer shall be appointed by the Village President with the consent of the Village Board. The term of the Administrative Hearing Officer shall be 24 months but shall not exceed the term of the current Village President. If the 24 month term has not been completed at the time a new Village President is elected, the Administrative Hearing Officer's term may be extended by the succeeding Village President. In no case shall the Administrative Hearing Officer serve more than 24 consecutive months. The Administrative Hearing Officer may reapply for the position 24 months after the expiration of his/her previous term. The number of Administrative Hearing Officer positions and compensation shall be approved by the Village Board. The Administrative Hearing Officer shall be an attorney admitted to the practice of law in the State of Illinois with at least six (6) years of active practice experience.
- B. Powers: The Administrative Hearing Officer shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:
 - 1. Hold conferences for the settlement or simplification of the issues;
 - 2. Administer oaths and affirmations;
 - 3. Hear testimony;
 - 4. Issue subpoenas;
 - 5. Rule upon motions, objections, and the admissibility of evidence;
 - 6. At the request of any party or on the administrative hearing officer's own motion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;
 - 7. Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - 8. Regulate the course of the hearing in accordance with this chapter, or other applicable law;
 - 9. Issue a final order which includes findings of fact and conclusions of law;
 - 10. Impose penalties and fines and issue orders that are consistent with applicable code provisions and assess costs and fees upon finding a party liable for the charged violation. In no event shall an Administrative Hearing Officer have the authority to impose a penalty of imprisonment.

18.05 INSTITUTING ADMINISTRATIVE HEARINGS: All sworn police personnel, all community service officers, all village inspectors and code officers are hereby authorized to institute an administrative adjudication hearing by issuing a violation notice specifying the date, time and place of violation, the ordinance or ordinances violated, and the identification and signature of the person issuing the violation notice. In addition, the notice shall include the date and location of the hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing.

18.06 VIOLATION NOTICE

- A. Violation notices for all violations except automated traffic law violations shall contain, but shall not be limited to, the following information:
1. The name of the party violating the ordinance, if known.
 2. The date and time of the violation (date of issuance).
 3. The type and nature of the violation and the ordinance violated.
 4. Vehicle make and state registration number (if applicable).
 5. The address or location where the violation has occurred.
 6. The names of any witnesses to the violation.
 7. The signature and identification number of the person issuing the notice.
 8. The date and location of the adjudicating hearing of the ordinance violations which date shall be not less than twenty-one (21) nor more than sixty-five (65) days after the date of the violation notice and the legal authority and jurisdiction under which the hearing is to be held and the penalties for failure to appear at the hearing or shall provide instructions to the alleged violator that a fine may be paid or the violator may request a hearing date on the violation.
- B. Any violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie evidence of the correctness of the facts shown on the notice.

18.07 SUBPOENAS

- A. Issuance: All subpoenas shall be issued only upon application and approval by the Administrative Hearing Officer after a determination by the Administrative Hearing Officer as to whether the requested testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is relevant to the case and relates to a contested issue in the case.
- B. Content: A subpoena issued under this chapter shall identify:
1. The person to whom it is directed;
 2. The documents or other items sought by the subpoena, if any;
 3. The date for the appearance of the witness and the production of the documents or other items described in the subpoena;

4. The time for the appearance of the witness and the production of the documents or other items described in the subpoena; and
 5. The place for the appearance of the witness and the production of the documents or other items described in the subpoena.
- C. Appearance: In no event shall the date identified for the appearance of a witness or the production of documents or other items be less than seven (7) days after service of the subpoena.
- D. Contesting The Subpoena: Within three (3) business days of being served with a subpoena issued in accordance with this Chapter, the recipient of the subpoena may contest the order authorizing the issuance of the subpoena to the Administrative Hearing Officer, setting forth in detail the recipient's objections to the subpoena. Upon receipt of the contest to the subpoena, the Administrative Hearing Officer shall review the objections and, upon review, enter the appropriate order.

18.08 CONTINUANCES: No continuances shall be authorized by the Administrative Hearing Officer in proceedings under this Chapter except in cases where a continuance is absolutely necessary to protect the rights of the alleged violator. Lack of preparation shall not be grounds for a continuance. Inconvenience or nonattendance at work shall not be grounds for a continuance. Any continuance authorized by the Administrative Hearing Officer under this Chapter shall not exceed the next scheduled date for the Administrative Hearing Officer to hear Village cases.

18.09 HEARING AND EVIDENCE

- A. At the hearing, the Administrative Hearing Officer shall preside, shall hear testimony and shall accept any evidence relevant to the existence or nonexistence of a village code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter.
- B. The case for the Village may be presented by an attorney designated by the Village President or by any other Village employee, except that the case for the Village shall not be presented by an employee of the Ordinance Enforcement Department. The case for the alleged violator may be presented by the alleged violator, his or her attorney or any other agent or representative of the defendant.
- C. Nonresidents of the Village of Johnsburg may in lieu of presenting testimony in person provide written testimony under oath and duly notarized which testimony shall be accepted by the Administrative Hearing Officer if received before the hearing date.
- D. If on the date set for hearing the alleged violator or his or her attorney fails to appear or present evidence, the Administrative Hearing Officer may find the

alleged violator in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

- E. Upon finding the alleged violator in default, the Ordinance Enforcement Administrator shall send or cause to be sent notices by first class mail, postage prepaid to the violator who received the notice of an ordinance violation; or, in the case of a violation of the automated traffic control system, the registered owner or operator of the cited vehicle at the address as recorded with the Secretary of State, and shall be sent to the lessee of the cited vehicle at the address last known to the lessee of the cited vehicle at the time of the lease. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

18.10 FINDINGS, DECISION AND ORDER

- A. Determination by Administrative Hearing Officer: At the conclusion of the hearing, the Administrative Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as the findings, decision and order. The findings, decision and order shall include:
1. The Administrative Hearing Officer's findings of fact;
 2. A decision of whether or not a code violation exists based upon the findings of fact; and
 3. An order that states the sanction or dismisses the case if a violation is not proven;
 4. A monetary sanction and/or any other sanction for a violation under this Chapter including fees and costs.
 - a. A finding of liable, after evidences are heard by the Administrative Hearing Officer, shall result in an administrative hearing cost of \$75.00. The administrative hearing cost is in addition to any other fines or sanctions imposed by the Administrative Hearing Officer.
- B. Copy of Findings: A copy of the findings, decision and order shall be served on the violator within five (5) days after it is issued. Service of the findings, decision and order shall be by first class mail as provided for instituting code hearing proceedings. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in this code.
- C. Debt Due To Village: The fines, penalties, fees and costs contained in this order are a debt due and owing the Village of Johnsborg and said total must be paid within thirty (30) days of the date the order is issued by the Administrative Hearing Officer.
- D. Final Orders: The order of the Administrative Hearing Officer becomes final thirty (30) days following entry of the order or thirty (30) days from a denial of a

timely filed petition to set aside the Administrative Hearing Officer's decision, whichever occurs last. All fines and other monies paid to the Village in accordance with this Section shall be remitted to the Village and deposited in the appropriate Village account as designated by the Village Comptroller.

E. Petition to Set Aside Determination: A petition to set aside the order of the Administrative Hearing Officer must be filed within thirty (30) days of entry of the Administrative Hearing Officer's order. The petition shall be filed in the Village Administrator's office. The Administrative Hearing Officer shall set a briefing schedule and hearing date. The grounds for the petition are limited to the following:

1. Lack of proper service;
2. The person not having been the owner or lessee of the property cited on the date the violation notice was issued;
3. The order is against the manifest weight of the evidence, or that new evidence unknown to and unavailable to a party on the date of the hearing will materially affect the order of the hearing officer; or
4. Excusable failure to appear at the hearing or request a new date for a hearing.

In the event the determination is set aside upon a showing of just cause, the administrator shall set a hearing on the merits for that violation at the earliest available date convenient to all parties.

F. Violations Of Orders: Any person, having received notice and an opportunity for a hearing as provided in this Chapter who knowingly fails to comply with an order issued by an Administrative Hearing Officer under this Chapter, including the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00). Each day that the violation continues shall be considered a separate and distinct offense. In a prosecution under this section, it shall not be a defense that a person came into compliance with an order, sought judicial review of it or made efforts to comply with an order, subsequent to its effective date.

18.11 DEBT DUE TO VILLAGE: Any order to comply, or for a fine, other sanction or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid or uncompleted after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village and, as such may be collected and enforced in accordance with applicable law.

18.12 ENFORCEMENT IN THE CIRCUIT COURT: After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, upon authorization of the Village Board, the Village attorney may commence a proceeding in the 22nd Judicial Circuit Court of McHenry County, Illinois, for purpose of obtaining a judgment on the findings, decision

and order. Nothing in this Section shall prevent the Village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order, was issued in accordance with state law and the applicable Village ordinances. Service of the summons and a copy of the petition may be by any method provided for by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions, fees and costs imposed by the findings, decision and order does not exceed two thousand five hundred dollars (\$2,500.00). If the Court is satisfied that the findings, decision and order was entered in accordance with the requirements of state law and the applicable Village ordinance and that the violator had an opportunity for a hearing and for judicial review:

- A. The court shall render judgment in favor of the Village and against the violator for the amount indicated in the findings, decision and order, plus fees and costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.
- B. The court may also issue any other orders and injunctions that are requested by the Village to enforce the order of the hearing officer to correct a code violation.

18.13 DRIVER'S LICENSE SUSPENSION: A notice of impending suspension of a person's driver's license shall be sent to any violator determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing, parking or compliance regulation violations:

- A. The notice shall state that the failure to pay the fine or penalty, fees and costs owed within forty five (45) days of the date of the notice will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 Illinois Compiled Statutes 5/6-306.5, incorporated herein by reference.
- B. The notice of impending driver's license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State.
- C. A warning that failure to pay the fine and/or penalty, fees and costs due and owing the Village within the time specified may result in proceeding with collection procedures in the same manner as a judgment entered by any court of competent jurisdiction.

18.14 IMMOBILIZED AND/OR IMPOUNDED VEHICLES: Vehicles owned by the person and located within the Village may be immobilized and impounded for failure to pay fines or penalties for ten (10) or more vehicular standing, parking or compliance regulation violations.

18.15 ADMINISTRATIVE HEARING PROGRAM PROCEDURES NOT

EXCLUSIVE: Notwithstanding any other provisions of this Chapter, the authority of the Administrative Hearing Division to conduct administrative hearings in accordance with this Chapter shall not preclude the Village from seeking any remedies for code or ordinance violations through the use of any other administrative procedure or court proceeding.

Nothing in this Section shall affect the jurisdiction of the Liquor Control Commissioner, the Planning and Zoning Commission, Police Pension Fund, the Civil Service Commission or any other commission or board established by this Code.

18.16 JUDICIAL REVIEW: The findings, decision and order of the Administrative Hearing Officer shall be subject to review in the 22nd Judicial Circuit Court of McHenry County, Illinois. The provisions of the Illinois Administrative Review Law, as amended, and the rules adopted pursuant thereto, as amended, shall apply to and govern every action for the judicial review of the findings, decision and order of the Administrative Hearing Officer under this Chapter.

18.17 GENERAL FINE FOR ANY OTHER VIOLATION: For violation of any Village ordinance other than a violation concerning the standing, parking, compliance or condition of vehicles or automated traffic law violations and other than for violation of regulations designating and regulating spaces for handicapped parking, fines and penalties shall be no more than seven hundred fifty dollars (\$750.00) per violation.

18.18 FINES FOR VIOLATIONS CONCERNING STANDING, PARKING, COMPLIANCE OR CONDITION OF VEHICLES OTHER THAN HANDICAPPED PARKING: Under this Chapter for violation of any provision of an ordinance concerning the standing, parking or condition of vehicles; or any compliance violation; or violation of any other Village ordinance regulating, restricting or prohibiting the standing or parking of motor vehicles along the streets, byways, alleyways, regulated parking lots or such other locations as may be controlled by off street parking agreements, located within the geographical boundaries of this village, other than for handicapped parking, the fine shall be a maximum of two hundred fifty dollars (\$250.00) for each violation.

18.19 FINES FOR VIOLATIONS OF HANDICAPPED PARKING

RESTRICTIONS: For violation of any Village ordinance regulating, restricting or prohibiting the standing or parking of motor vehicles specifically designated for handicapped parking, the fine shall be the maximum fine established by Village ordinance regulating handicapped parking areas.

18.20 VEHICLE IMPOUNDMENT:

- A. In addition to any fees charged for the towing and storage of an impounded vehicle, the Village may impose an administrative fee not to exceed \$500 related to its administrative and processing costs associated with the investigation, arrest

and detention of an offender, or the removal, impoundment, storage and release of the vehicle. The administrative fee shall be waived upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

- B. The administrative fee may be imposed and a motor vehicle may be impounded upon probable cause that any of the following violations have occurred:
1. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1; or
 2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501; or
 3. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act (720 ILCS 550/1 *et seq.*); or
 4. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act (720 ILCS 570/101 *et seq.*); or
 5. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/24-1, Unlawful Use of Weapons, 5/24-1.5, Reckless Discharge of a Firearm, or 5/24-3.1, Unlawful Possession of Firearms and Firearm Ammunition; or
 6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to 625 ILCS 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
 7. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act (720 ILCS 550/1 *et seq.*) or the Illinois Controlled Substances Act (720 ILCS 570/101 *et seq.*); or
 8. Operation or use of a motor vehicle with an expired driver's license, in violation of 625 ILCS 5/6-101, if the period of expiration is greater than one year; or
 9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued a driver's license or permit

due to a person's age; or

10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated 625 ILCS 5/6-101, 5/6-303, or 5/11-501; or
 11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16, Theft and Related Offenses, or Article 16A, Retail Theft, of Chapter 720 of the Illinois Compiled Statutes; or
 12. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of 720 ILCS 5/1-1 *et seq.*), when so provided by this Code.
- C. The following shall apply to any fees imposed for administrative and processing costs pursuant to Section 15.21-B.
1. All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner. The registered owner shall be the record titleholder to a motor vehicle as registered with the Illinois Secretary of State or any other applicable governmental agency.
 2. The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.
 3. The fees shall be uniform for all similarly situated vehicles.
 4. The fees shall be collected by and paid to the Village.
 5. The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. Costs for towing and storage of a motor vehicle shall be those approved by the Chief of Police for all tow companies authorized to tow for the Police Department.
- D. Administrative Hearing: A hearing shall be provided pursuant to 625 ILCS 5/11-208/3(b)(4). The vehicle shall be released to the owner of record, lessee or a lienholder of record upon payment of all administrative fees and towing and storage fees.
- E. Administrative Hearing Requirements:
1. Administrative hearings shall be conducted by a hearing officer who is an

attorney licensed to practice law in the state for a minimum of 3 years and who is not an officer or employee of the Village. The hearing officer shall be designated by the Village Administrator;

2. The hearing officer shall have the power to administer oaths and to secure the attendance and testimony of witnesses and the production of relevant books and papers via subpoena;
 3. The hearing shall be recorded and the technical/formal rules of evidence shall not apply;
 4. Individuals appearing before the hearing officer shall have the right to be represented by counsel at their own expense;
 5. At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;
 6. If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the Village;
 7. All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law; and
 8. Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee or lienholder of record until all administrative fees and towing and storage charges are paid.
- F. Notice of Impoundment: The following provisions shall be observed concerning notice of impoundment:
1. Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the Village.
 2. At the time the vehicle is towed, the Village shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.
 3. The Village shall provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless

the owner or lessee of the vehicle or a lienholder posts with the Village a bond equal to the administrative fee as provided by this Code and pays for all towing and storage charges.

- G. Notice of Hearing: The registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:
1. Be served upon the owner, lessee and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;
 2. Be served upon interested parties within 10 days after a vehicle is impounded by the Village; and
 3. Contain the date, time and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.
- H. Vehicles not retrieved from the towing or storage facility within 35 days after the administrative officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of 625 ILCS 5/4-201 *et seq.*, Abandoned, Lost, Stolen or Unclaimed Vehicles.
- I. Unless stayed by a court of competent jurisdiction, any fine, penalty or administrative fee imposed under this Chapter which remains unpaid in whole or in part after the expiration of the deadline for seeking review under Section 18.20-J of this Code, may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- J. Applicability of Other Laws: This Section is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that relates to the seizure or impoundment of motor vehicles, and any fee provided for in this Section shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges. This Section shall not apply: (1) if the motor vehicle used in the violation was stolen at the time of the violation or (2) if the motor vehicle is subject to successful forfeiture proceedings under 725 ILCS 150/1, *et seq.* as amended (Drug Asset Forfeiture Procedure Act); 720 ILCS 5/36-1, *et seq.* as amended (Seizure and Forfeiture of Vessels, Vehicles and Aircraft); or (3) other state or federal forfeiture laws.
- K. Administrative Review: Any owner of record, lien holder or other person with a legal interest in the motor vehicle, shall have the right to appeal the decision of the hearing officer to the 22nd Judicial Circuit Court, pursuant to the Administrative Review Act, 735 ILCS 5/3-101, *et seq.* as amended. Any respondent seeking review of a final decision shall be required to reimburse the Village for the costs of preparing and certifying the record of proceedings. Failure

of the respondent to reimburse the Village shall be grounds for the dismissal of a complaint for administrative review pursuant to 735 ILCS 5/3-109. In the event the reviewing court reverses the findings, decision and order of the Administrative Law Judge, the Village will reimburse the respondent for the costs for preparing and certifying the record of proceedings. Any administrative fee posted with the Village to secure the release of a motor vehicle prior to a hearing shall be held by the Village until the hearing officer issues a decision or, if there is judicial review of the hearing officer's decision, until a reviewing court issues a final decision.

- L. Administrative Fee Refund: A finding of "not guilty" following a trial in the 22nd Judicial Circuit Court for the underlying violation wherein the motor vehicle was impounded, shall entitle the owner of record to a full and complete refund of any administrative fee imposed under this Section. However, the owner of record must request the refund in writing and shall include in the request a certified disposition of "not guilty" following a trial from the 22nd Circuit Court Clerk. An order of dismissal or a negotiated disposition on the underlying charge(s) shall not result in a refund of the administrative fee.