
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2021-11

**AN ORDINANCE AMENDING
TITLE 1 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES;
ADMINISTRATIVE ADJUDICATION**

FRANCO A. COLADIPIETRO, Mayor

JANE E. MICHELOTTI, Village Clerk

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PATRICK SHANNON
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Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 8th day of March 2021

ORDINANCE NO. 2021-11
AN ORDINANCE AMENDING
TITLE 1 OF
THE VILLAGE OF BLOOMINGDALE
CODE OF ORDINANCES;
ADMINISTRATIVE ADJUDICATION

WHEREAS, the Village of Bloomingdale (hereinafter referred to as “Village”) is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt;

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Bloomingdale, as amended;

WHEREAS, Title 1 Chapter 14 provides for the administrative hearing and adjudication system;

WHEREAS, since the Village has adopted this system at its September 28, 2020 Board Meeting pursuant to Ordinance No. 2020-23 the Illinois General Assembly has adopted new legislation invalidating certain portions of said Ordinance;

WHEREAS, the Village desires to amend the Village Code to clarify the original intent of the Corporate Authorities in addition to reflect such changes required by State Law;

WHEREAS, the Corporate Authorities of the Village of Bloomingdale are of the opinion that the aforementioned amendment to the Village’s Code of Ordinances is in the best interest of the public safety, health and welfare of the residents of the Village of Bloomingdale.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village's Home Rule Powers, as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to the Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two – Amendment Title 1 Chapter 14

Title 1 (Administration) Chapter 14 (Administrative Hearing and Adjudication) shall be amended, as follows:

1-14-4: OFFICE STAFF

(B) The office shall operate pursuant to law and authority of this chapter, under the day to day supervision of the ~~village administrator~~ Supervisor. The village attorney shall provide legal advice, assistance, counsel as may from time to time be required or appropriate. The village administrator may assign or affix duties and responsibilities, and may also appoint other persons to assist, as needed to carry out the provisions of this chapter.

1-14-6: ADMINISTRATIVE HEARINGS

(B) The village shall not be represented by an employee or other representative of the office of administrative hearings. However, documentary evidence, prepared by another department of the village and submitted to the administrative hearing officer, may be presented at the hearing by the village attorney or his or her designee. ~~the administrative hearings supervisor.~~

1-14-8: REPRESENTATION AT HEARINGS

(A) Village: The case for the village may be presented by ~~a village employee, or by an attorney designated by the village attorney, but not by an employee or other representative of the office of administrative hearings~~ except as allowed by subsection 1-14-6(B) of this chapter.

1-14-9: DEFAULT

(A) If at the time set for hearing, the respondent, or his/her attorney or agent of record, fails to appear, the administrative hearing officer may enter a default judgment of liability against the respondent and impose fines and assess costs. A copy of the order of default shall be served in any manner permitted by this chapter and applicable to the violation. The order shall advise the respondent of the procedure for setting aside the default judgment and shall also apprise the respondent of the availability of an appeal of the

default judgment to the circuit court of Kendall DuPage County. The default judgment shall be mailed promptly to the respondent as provided by subsection 1-14-7(C) of this chapter. The default judgment constitutes a final determination for purposes of judicial review and is subject to review under the Illinois administrative review act.

1-14-12: PENALTIES FOR UNPAID PARKING VIOLATIONS; IMMOBILIZATION

~~(A) Suspension of Driver's License: A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing or parking regulation violation(s):~~

~~1. The notice shall state that the failure to pay the fine or penalty owing within forty five (45) days of the date of the notice will result in the village's notifying the secretary of state that the person is eligible for initiation of suspension proceedings under 625 Illinois Compiled Statutes 5/6-306.5, which section is incorporated herein by reference.~~

~~2. 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.~~

~~3. The notice shall also state that the person may obtain a copy of an original ticket(s) imposing a fine or penalty by sending a self-addressed, stamped envelope to the village police department along with a request for the copy.~~

~~(B) Failure To Pay Fines And Penalties; Certified Report: Upon a failure to pay fines and penalties deemed due and owing the village after the exhaustion of administrative procedures set forth in this chapter, for ten (10) or more vehicular parking violations, the hearings supervisor, or his/her designee, shall direct the village clerk to make a certified report to the secretary of state stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the village as a result of ten (10) or more violations of village vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.~~

~~(C) Notification In Case Of Error: The hearings supervisor shall take no further action unless and until the fines and penalties due and owing the village are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the hearings supervisor shall direct the village clerk to submit to the secretary of state a notification which shall result in the halting of a driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.~~

~~(D) Challenge Of Certified Report: Persons may challenge the accuracy of the certified report by completing a form provided by the hearings supervisor or his/her designee. The form shall specify the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:~~

~~1. The person was neither the owner nor the lessee of the vehicle so receiving ten (10) or more violation notices on the date or dates such notices were issued; or~~

~~2. The person has paid the fine and/or penalty for the ten (10) or more violations indicated on the certified report.~~

~~(E) Determination of Objection: The administrative hearings supervisor shall render a determination within fourteen (14) business days of receipt of the objection form and shall notify the objector of the determination.~~

~~(F) Vehicle Immobilization: In addition to the provisions of suspension of driver's license provided in subsections (A) through (E) of this section, the The village may also mechanically immobilize (e.g., boot) a vehicle stopped or standing within village limits for which the payment of any fine or penalty remains due and owing on ten (10) or more vehicular standing or parking regulation violation(s).~~

1. Authority to immobilize a vehicle pursuant to this subsection (F) shall lie solely with the village police department.

2. Village police officers shall confirm with police administration the existence of ten (10) or more vehicular standing or parking regulation violation(s) for which the payment of any fine or penalty remains due and owing for the vehicle to be mechanically immobilized.

3. Upon confirmation, village police officers may mechanically immobilize said vehicle.

4. Village police officers shall provide written notice with the immobilized vehicle identifying: a) the police officer immobilizing the vehicle, b) the reason for immobilization, c) the date and time of immobilization, d) that mechanical immobilization may be removed by payment in full to the village police department of any fine or penalty remaining due and owing for the vehicle for all vehicular standing or parking regulation violation(s).

5. The Director of Public Safety or chief of police the village police department, or his or her designee, upon good cause shown by the owner of an immobilized vehicle, may, but is not required to, direct the removal of the mechanical immobilization of the vehicle.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the Bloomingdale Municipal Code.

Section Four – Home Rule Preemption

This Ordinance represents an exercise of the home rule powers conferred upon the Village of Bloomingdale by the Constitution of the State of Illinois. This Ordinance is specifically intended

to preempt state law pertaining to the extent permitted under the Constitution of the State of Illinois.

Section Five – Effective Date:

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Six - Publication

This Ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Seven - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Eight – Saving Clause

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the Village’s Municipal Code, which are hereby declared to be separable.

Section Nine - Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

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DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			
William Belmonte	X			
Bill Bolen	X			
Frank Bucaro	X			
Patrick Shannon	X			
Judi Von Huben	X			
Franco A. Coladipietro (only if necessary)				
TOTAL	6	0	0	

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 8th day of March 2021.



Franco A. Coladipietro
Village President

ATTEST:



Jane E. Michelotti
Village Clerk