

**VILLAGE OF FOREST VIEW**

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**ORDINANCE NO. 25-22**

**AN ORDINANCE AMENDING TITLE 9 OF THE FOREST VIEW  
MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE FEES  
ASSOCIATED WITH FLEEING AND ELUDING MOTOR VEHICLES  
IN THE VILLAGE OF FOREST VIEW, ILLINOIS**

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**PASSED AND APPROVED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF FOREST VIEW,  
COOK COUNTY, ILLINOIS, this 26<sup>th</sup>  
day of August, 2025.**

**Published in pamphlet form  
by authority of the President  
and Board of Trustees of the  
Village of Forest View, Cook  
County, Illinois, this 26<sup>th</sup> day  
of August, 2025.**

## **VILLAGE OF FOREST VIEW**

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### **ORDINANCE NO. 25-22**

#### **AN ORDINANCE AMENDING TITLE 9 OF THE FOREST VIEW MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE FEES ASSOCIATED WITH FLEEING AND ELUDING MOTOR VEHICLES IN THE VILLAGE OF FOREST VIEW, ILLINOIS**

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**WHEREAS**, the Village of Forest View, Cook County, Illinois, is a home rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois; and

**WHEREAS**, under the Illinois Vehicle Code, fleeing or attempting to elude a peace officer is a crime constituting a Class A misdemeanor, and, in some cases, a Class 4 felony when the conduct is aggravated or involves a third or subsequent violation (*see* 625 ILCS 5/11-204; 5/11-204.1); and

**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 his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer (*see* 625 ILS 5/11-204); and

**WHEREAS**, police are limited from engaging in motor vehicle pursuits related to minor offenses, a limitation that has resulted in an increase of incidents of fleeing and eluding peace officers in the Village; and

**WHEREAS**, the investigation and prosecution of cases involving motor vehicle fleeing and eluding require significant police resources, including but not limited to, reviewing video and other evidence, preparing police reports, conducting interviews and conducting internal

administrative reviews, often without any arrests for not being able to positively identify the driver of a fleeing vehicle; and

**WHEREAS**, an analysis by the Forest View Police Department has determined that it costs the Police Department no less than one thousand dollars (\$1,000) in resources for every incident of motor vehicle fleeing and eluding; and

**WHEREAS**, absent a positive identification of the 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 to flee or in an attempt to elude a peace officer; and

**WHEREAS**, in order to promote the health, safety and welfare of the Village's residents, it is necessary and desirable that, in the event drivers or operators of a motor vehicle violate the law by fleeing or attempting to elude a peace officer and are not able to be apprehended, a portion of the Village's costs related to said criminal activity shall be shifted to the registered owner of the motor vehicle that was driven and operated to commit the criminal offense; and

**WHEREAS**, the administrative fee established for fleeing and eluding vehicles is not calculated as a revenue generating fee, but rather is enacted only to recover a portion of the Village Police Department's resources expended in connection with this criminal activity; and

**WHEREAS**, the Corporate Authorities of the Village of Forest View have determined that it is necessary and in the best interests of the Village of Forest View to establish administrative fees associated with motor vehicle used to flee or in an attempt to elude peace officers in the Village of Forest View.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Forest View, Illinois as follows:

**Section 1.     Recitals.** The foregoing recitals are adopted as express findings of the Corporate Authorities of the Village of Forest View and are incorporated herein by specific reference.

**Section 2.     Adoption.** That Title 9 (“*Traffic*”) of the Forest View Municipal Code is hereby amended to add thereto a new Chapter 6 (“*Administrative Fees For Fleeing And Eluding Vehicles*”) and related sections as follows:

**CHAPTER 6 – ADMINISTRATIVE FEES FOR FLEEING AND ELUDING VEHICLES.**

**9-6-1: ADMINISTRATIVE FEE AND NOTICE:**

- (A) The Police Department will charge an administrative fee of one thousand dollars (\$1,000.00) 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 Forest View to commit the criminal offense of fleeing or attempting to elude a peace officer under 625 ILCS 5/11-204 or 625 ILCS 5/11-204.1.
- (B) The registered owner of the motor vehicle shall be established by the Police Department’s vehicle registration inquiry with the Illinois Secretary of State.
- (C) Notice shall be given in writing to the registered owner. The notice shall include the following:
  - 1. Statement that the driver or operator of a motor vehicle registered to said owner fled or attempted to elude a Forest View peace 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.
  - 2. Date, approximate time, and approximate location of the event.
  - 3. Description of the motor vehicle as contained in the police officer’s report.
  - 4. Notice of the opportunity to contest the imposition of the administrative fee by an adjudication hearing with instructions.
  - 5. Notice that the administrative fee constitutes a debt due and owing to the Village.
  - 6. Notice shall be served upon the registered owner in any of the following manners:

- a. Personal service by handing the notice to the registered owner, or to their employees or agents, by any authorized Village of Forest View official, police officer, or code enforcement officer.
  - b. 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.
  - c. Personal service of process as authorized by the Illinois Code of Civil Procedure, 735 ILCS 5/2-203.3.
7. The date of service of the notice shall be the date in which personal service is accomplished or the date on which the written notice is mailed.
- (D) The administrative fee set forth in 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.

#### **9-6-2: REQUEST FOR HEARING:**

- (A) An individual or entity charged with an administrative fee may request, in writing, a hearing within thirty (30) days of the imposition service of the notice of the administrative fee.
1. If the registered owner does not request a hearing under section 9-6-2 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.
  2. The chief of police, of their designee, shall conduct the hearing.
  3. The hearing shall be informal, not subject to the formal rules of evidence.
  4. If, after the hearing, the chief of police of their designee determines that the imposition of the administrative fee was proper, then they shall direct the collection of the administrative fee.
- (B) If there is a determination that the imposition of the administrative fee was improper, then the arrestee or 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 fee paid will be refunded.

- (C) The individual or entity charged with an administrative fee may appeal the decision of the hearing, or their designee, by requesting, in writing, within fourteen (14) days of the decision, an administrative hearing as set forth herein. After the expiration of the 14-day period, the Village shall submit this determination of the administrative fee through the Village's administrative adjudication process for further hearing, determination and imposition of the fee.

#### **9-6-3: APPEAL—ADMINISTRATIVE HEARING:**

- (A) Upon the timely written request by the individual entity who has been charged the administrative fee or the submission of the determination by the Village, a hearing on the lawfulness of the imposition of the administrative fee shall be conducted in conjunction with the administrative adjudication provisions contained in chapter 36 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 5/11-204 or 625 ILCS 5/11-204.1 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 article, the hearing officer may enter a written order finding the individual entity civilly liable to the Village of Forest View.
- (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 an administrative 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.

#### **9-6-4: ADMINISTRATIVE FEE A DEBT:**

- (A) The administrative fee imposed upon an individual or entity shall constitute a debt due and owing to the Village. If an individual or entity has not previously paid the administrative fee, the individual entity shall have thirty-five (35) days to pay the debt after the final determination. 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. Conflicts.** This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

**Section 4. Severability.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity shall not affect any other provision of this Ordinance.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE FOLLOWING ROLL CALL VOTE this 26<sup>th</sup> day of August, 2025.

AYES: Trustees Sudkamp, Nitka, Nevarez, Grossi, Hubacek, Castanuela

NAYS: NA

ABSENT: NA

APPROVED this 26<sup>th</sup> day of August, 2025.

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David Liska  
Village President

ATTEST:

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Laura D. McGuffey  
Village Clerk