

CHAPTER 8

ACCIDENTS, VIOLATIONS

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9-8-1: RECORDS OF TRAFFIC VIOLATIONS:

A. The Police Department or the traffic division thereof shall keep a record of all violations of this Chapter or of the State vehicles laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

B. All forms for the records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. All such records and reports shall be public records. (1963 Code, * 36.03)

9-8-2: ACCIDENTS:

A. Investigation. It shall be the duty of the traffic division, assisted by other police officers, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

B. Accident Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the Street Commissioner in conducting studies of such accidents and determining remedial measures.

C. Accident Reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. (1963 Code, * 36.04)

9-8-3: DRIVERS FILES:

A. The Police Department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

B. Said division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

C. Such records shall accumulate during at least a five (5) year period and from that time on, such records shall be maintained complete for at least the most recent five (5) year period. (1963 Code, * 36.05)

9-8-4: ACCIDENT REPORTS:

A. Notice of Accidents. The driver of a vehicle involved in an accident resulting in injury to or death of any person or any property damage shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the Village.

B. Report of Accident. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or any property damage shall, within five (5) days after such accident, forward to the Police Department a copy of any report he is required to forward to the State. The Department a copy of any report he is required to forward to the State. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present there at. (Ord. 681; 1-21-64)

C. Duty Upon Striking Fixtures or Other Property Upon a Highway. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or persons in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license. (Ord. 680; 1-21-64)

D. Reports Confidential. All required accident reports and supplemental reports shall be without

prejudice to the individual so reporting and shall be for the confidential use of the Department except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department shall furnish upon demand of any person who has, or claims to have made such a report, or upon demand of any person who has, or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the Department.

The Department may furnish to the Secretary of State copies of required accidents reports or information taken from such reports or information taken from such reports. All such copies or reports or information taken from them shall be for the confidential use of the Secretary of State. (1963 Code, * 36.12)

9-8-5: ARRESTS: Any person arrested for a violation of any provision of this Title, shall be released upon proper bail being furnished as required by Statute. The police officer in command at the station may, in the absence of a judge, prescribe the amount of bail or bond in each instance, provided, that any arrested person may at his request, have the amount of such bond set by a judge as provided by Statute. (1963 Code, * 36.67; Amd. 1975 Code)

9-8-6: TICKETS: For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle, and name of the offender where possible, may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified. (1963 Code, * 36.68)

9-8-7: STIPULATION OF PARKING VIOLATION: Repealed

9-8-8: PROCEDURE OF POLICE OFFICERS: Except when authorized or directed under State law to immediately take a person before a judge for the violation of any traffic regulation, a police officer who halts a person for such violation of any traffic regulation, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take name, address and operator's license number of said person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary and shall issue to him in writing on a form provided by the "Village a traffic citation containing a notice to answer to the charge against him before a proper officer at a time at least fourteen (14) days after such violation to be specified in said citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody.(1963 Code,* 36.70; amd.1975 Code)

9-8-9: DISPOSITION AND RECORDS OF TRAFFIC CITATIONS:

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of

the motor vehicle laws of this State or of this Chapter shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the proper officer and the duplicate copy to the central records section of the Police Department.

B. Upon the filing of such original citation with the proper officer said citation may be disposed of only by trial in said court or by trial in said court or by other official action; including forfeiture of bail or by payment of a fine to the proper officer.

C. The Chief of Police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which an entry has been made and has not been issued to an alleged violator.

D. The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the Police Department a record of the disposition of the charge by the Associate Judge.

E. The Chief of Police shall also maintain or cause to be maintained a record of all warrants issued by the proper officer on said traffic violation charges and which are delivered to the Police Department for service, and of the final disposition of all such warrants.

F. It shall be unlawful and official misconduct for any member of the Police Department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required in this Section.

G. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided in this Chapter. (1963 Code, * 36.71)

9-8-11: FAILURE TO OBEY CITATION: It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued. (1963 Code, * 36.73)

9-8-12: CITATION ON ILLEGALLY PARKED VEHICLE: Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this Chapter or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, and the driver or owner shall answer to charge against him within fourteen (14) days during the hours and at a place specified in the citation. (Ord. 1062 ,1987)

9-8-13 : NOTICE OF WARRANT OF ARREST : If a violator of the restrictions on stopping, standing or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the Police Department shall send to the owner of the vehicle to which the traffic citation was affixed a letter informing him of the violations and warning him

that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued. (1963 Code, * 36.75)

9-8-14: OWNERS LIABILITY: In any prosecution charging a violation of any law or regulations governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (1963 Code, * 36.76)

9-8-15: ISSUANCE OF WARRANTS: In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance before a proper officer, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the Chief of Police shall secure and issue a warrant for his arrest. (1963 Code, * 36.77)

9-8-16: RECORD OF TRAFFIC CASES; REPORTS:

A. Every judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to said court, and shall keep a record of every official action by said court in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this Chapter every judge of the court in which such conviction was had or bail was forfeited shall prepare and immediately forward to the State of Illinois an abstract of the record of the court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. Said abstract must be made upon a form furnished by the State and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited and the amount of the fine or forfeiture as the case may be.

D. Every court of record shall also forward a like report to the State upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

E. The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this Section shall constitute misconduct in office and shall be ground for removal

therefrom. (1963 Code, * 36.78)

9-8-17: DISPOSITION OF TRAFFIC FINES: All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Chapter shall be paid into the Village Treasury. Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture to comply with this Section shall be grounds for removal therefrom. (1963 Code, * 36.79)

9-8-18: AUTHORITY TO IMPOUND VEHICLES:

A. Members of the Police Department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by this Village under the following circumstances.

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
2. When any vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic. (1963 Code, * 36.80)
4. When any vehicle is left unattended or abandoned for an unreasonable length of time or constitutes a hazard to the health or safety of the public upon any public property. (Ord. 694; 8-3-65)
5. When any vehicle left parked, stopped, standing, abandoned or disabled upon any pedestrian crosswalk or sidewalk or any part thereof which causes an obstruction whatever to pedestrians traffic.

B. Whenever an officer removes a vehicle from a street as authorized in this Section and the officer knows or is able to ascertain from the registration records in the vehicle the name and the address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and the place to which such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever an officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as herein before provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty

it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and name of the garage or place where the vehicle is stored. (1963 Code, * 36.80)