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AN ORDINANCE AMENDING TITLE 8 BY ADDING A NEW CHAPTER 2 TO THE ORLAND PARK VILLAGE CODE REGARDING AN ADMINISTRATIVE BOOKING FEE

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, the Village expends significant time and resources in booking arrestees and the administrative fee provided for herein will recoup a portion of the cost to the Village for such time and resources; and

WHEREAS, it is in the best interests of the health, safety and welfare of the public to impose an administrative booking fee on those individuals arrested and booked in the Village, including any arrest on a warrant.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2:

Title 8 is amended by adding a new Chapter 2 which shall read in its entirety as follows:

**“CHAPTER 2
ADMINISTRATIVE FEES**

SECTION:

8-2-1: Administrative Fee

8-2-2: Request for Hearing

8-2-3: Appeal – Administrative Hearing

8-2-4: Administrative Fee A Debt

8-2-1: ADMINISTRATIVE FEE:

The Police Department will charge an administrative fee of fifty dollars (\$50.00) for the processing of individuals on any bookable arrest, including any arrest on a warrant.

8-2-2: REQUEST FOR HEARING:

1. An individual may request, in writing within thirty (30) days of the imposition of the administrative fee, a hearing.
2. The Chief of Police or his/her designee shall conduct the hearing.
3. The hearing shall be informal, not subject to the formal rules of evidence, and may be conducted over the telephone.
4. If, after the hearing, the Chief of Police or his/her designee determines that the imposition of the administrative fee was proper, then he/she shall direct the collection of the administrative fee.
5. If there is a determination that imposition of the administrative fee was improper, then the individual shall not be required to pay the administrative fee. If the administrative fee has already been paid then the same will be refunded.
6. The individual may appeal the decision of the Chief of Police, or his/her designee, by requesting, in writing, within fourteen (14) days of the decision, an administrative hearing as set forth herein.

8-2-3: APPEAL - ADMINISTRATIVE HEARING:

1. Upon the timely written request by the individual 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 hearing Sections of this Code, Title 9, Chapter 15, Sections 9-15-1, *et seq.*
2. 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 shall be admissible prima facie evidence of probable cause and the individual's liability, unless rebutted by clear and convincing evidence.
3. 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 civilly liable to the Village of Orland Park.
4. If the individual requests a hearing but fails to appear at the hearing, the Hearing Officer may enter a default order against the individual for the amount of the administrative fee.
5. If the individual fails to timely request a hearing, an order for the amount of the administrative fee shall be entered against the individual, unless said individual has affirmatively waived the right to an administrative hearing and agreed to pay the administrative fee.

6. If after hearing, the hearing officer finds that the imposition of the administrative fee was improper then, the individual will not be charged the administrative fee, or the amount of the administrative fee shall be refunded if already paid.

8-2-4: ADMINISTRATIVE FEE A DEBT:

The administrative fee imposed upon an individual shall constitute a debt due and owing to the Village. If an individual has not previously paid the administrative fee, the individual 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:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.