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**ISSUES PRESENTED FOR REVIEW**

1. Whether Joliet has home rule authority to administratively adjudicate violations of the vehicle weight restrictions in its ordinance, which has not been preempted or limited in any way by section 5/1-2.1-2 of the Illinois Municipal Code.
2. Whether, even if section 5/1-2.1-2 applies, Joliet's ordinance is not a "traffic regulation governing the movement of vehicles" as that term is defined in the Illinois Administrative Code and used throughout the Illinois Vehicle Code.
3. Whether Joliet's weight restriction is also not a "similar offense" to any provision in the Illinois Vehicle Code that is designated as a "traffic regulation governing the movement of vehicles," and, therefore, not excepted from administrative adjudication.
4. Whether Joliet has authority to administratively adjudicate violations of its weight restriction regardless of 625 ILCS 5/11-208.3.

**STATEMENT OF JURISDICTION**

On November 24, 2021, the Will County Circuit Court denied the Plaintiff/Respondent's complaint for administrative review. The Third District Appellate Court reversed the Trial Court's decision on November 15, 2022, This Court granted the City of Joliet's petition for leave to appeal on March 29, 2023.

**STANDARD OF REVIEW**

The standard of review is de novo as the questions presented are questions of law with no facts disputed. *Griffin v. Village of New Lenox Police Fund*, 2021 IL App (3d) 190557, ¶ 19.

## STATEMENT OF FACTS

On January 1, 1998, the Illinois General Assembly enacted Division 2.1 of the Illinois Municipal Code, which allows for the administrative adjudication of municipal ordinance violations, except for certain specified cases. 65 ILCS 5/1-2.1-2. The decisions made through this system became enforceable like judgments from a court. Under this section, municipalities are not prevented from adopting alternative administrative adjudication systems under their home rule powers. 65 ILCS 5/1-2.1-10

The purpose of Division 2.1 was to provide municipalities with an enforcement mechanism for their administrative adjudication processes, which previously lacked effectiveness. Senate Tr. 90th Session, 26th day, March 19, 1997, at 114. Without a way to enforce judgments, municipalities had to resort to filing actions in circuit court, resulting in an overburdened court docket. Id. at 113-14; see also Village of Lake in the Hills v. Niklaus, 2014 IL App (2d) 130654, ¶ 21. To address this public policy issue and alleviate the burden on courts, Division 2.1 was enacted. Senate Tr. 90th Session, 26th day, March 19, 1997, at 114.

Joliet cited the Respondents with either a Weight Restriction Violation and/or a Maximum Length Violation. (C 8). Joliet Code of Ordinances §§ 19-19, 21. City Code 19-21(a) makes it unlawful to operate any vehicle more than twenty-four thousand (24,000) pounds or any vehicle with a gross vehicle weight rating greater than twenty-four thousand (24,000) pounds on any non-designated city road.

During the administrative adjudication, the Respondents argued that the Overweight Violations should be dismissed for lack of Jurisdiction based on *Catom Trucking v. The City of Chicago*, 2011 IL App (1<sup>st</sup>) 101146. (C 66-69). The Hearing Officer

issued a Written Findings, Decision, and Order, on September 24, 2020, denying the Plaintiff's motion to dismiss. (C17–18). He found that the ordinances were not reportable offenses under 6-204 of the Illinois Vehicle Code, and that the Overweight Tickets were not moving violations.

The parties stipulated to the facts, and the Hearing Officer found the Respondents liable (C17–18), who then sought administrative review in the Circuit Court (C6-33) and appealed the decision to the Third District Appellate Court. (C131-136)

The Third District reversed the trial court. *Cammacho v. City of Joliet*, 2022 IL App (3d) 210591. It found that the Overweight Violations governed the movement of vehicles, and that the City lacked jurisdiction to administratively adjudicate. *Id.* at ¶ 14.

In the case of *Cammacho v. City of Joliet*, Joliet administratively adjudicated violations of ordinance 19-21, which prohibits vehicles above a certain weight rating from operating on city roads. *Id.*, ¶¶ 3-4. The plaintiffs, who were commercial drivers, violated this ordinance, and an administrative hearing officer found them liable and imposed fines. *Id.* The plaintiffs filed a complaint in circuit court, claiming that Joliet lacked jurisdiction to adjudicate offenses against ordinance 19-21. *Id.*, ¶ 5. The circuit court upheld the hearing officer's ruling, but the Third District Court of Appeals reversed it. *Id.* The appellate court concluded that Joliet was prohibited by Section 5/1-2.1-2 from administratively adjudicating violations of a traffic regulation governing the movement of vehicles, and since ordinance 19-21 fell under this category, Joliet lacked jurisdiction. *Id.*, ¶ 14. Joliet has now appealed the decision.

## ARGUMENT

### **I. Joliet Has Home Rule Authority To Adjudicate Its Ordinance Violations Notwithstanding Anything In §5/1-2.1-2 of the Municipal Code**

The City of Joliet, as a home rule municipality, can exercise its powers concurrently with the State, as long as the General Assembly has not explicitly limited or declared the State's exercise of those powers to be exclusive. Ill. Const. art. VII, § 6. The Illinois Constitution emphasizes that home rule powers should be interpreted liberally, and a home rule municipality has the same powers as the State unless specifically restricted by the General Assembly (*City of Chicago v Roman*, 184 Ill.2d 504, 513 (1998)).

The home rule authority granted to municipalities by the Illinois Constitution is broad and flexible, allowing them to regulate various aspects of their government and affairs. Home rule units have the same powers as the state and can exercise them concurrently. Joliet, as a home rule municipality, has the authority to adjudicate violations of its ordinances, including those related to vehicular weight restrictions. For the General Assembly to limit this authority, it must do so explicitly through a statute that specifically addresses the power in question and gains approval from a supermajority in the legislature. 5 ILCS 70/7, 25 ILCS 75/5, Ill. Const. Art. VII, Section 6(g).

Section 5/1-2.1-2, which is relied upon by the plaintiffs, fails to meet the requirements for preemption. It lacks preemptive language and explicitly states that it does not preempt municipalities from adopting other systems of administrative adjudication. 65 ILCS 5/1-2.1-10. Unlike other sections of the Illinois Municipal Code that contain clear preemption language, see, e.g., 65 ILCS 5/1-2-1.2 (“This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.”), Section 5/1-2.1-2 does not. The appellate court's ruling that this section creates an exception to a municipality's general authority is erroneous and ignores constitutional requirements and established precedent. This is a case addressing Joliet's

jurisdiction to administratively adjudicate the violation, not an case challenging the enforcement provision for which Division 2.1 was created.

Even if the language in Section 5/1-2.1-2 is unclear about preemption, the lack of express language supporting preemption would be sufficient to conclude that it does not preempt home rule authority. 5 ILCS 70/7 (“No law enacted after January 12, 1977, denies or limits any power or function of a home rule unit . . . unless there is specific language limiting or denying the power or function and the language specifically sets forth in what manner and to what extent it is a limitation on or denial of the power or function of a home rule unit.”). Furthermore, the legislative history of Division 2.1 demonstrates that the statute was intended to expand municipal power, not limit it. The House Parliamentarian confirmed that it is permissive and does not preempt home rule authority. House Tr. 90th Session, 60th day, May 14, 1997, at 34. Additionally, the statute lacks a note explaining its effect on home rule units, as required by the Home Rule Note Act. 25 ILCS 75/1, et.seq.

Therefore, based on the absence of explicit preemption language, the General Assembly's intent, and the constitutional and statutory requirements, Section 5/1-2.1-2 does not preempt Joliet's home rule authority to administratively adjudicate violations of vehicular weight restrictions. Rather, section 1-2.1-2 was meant to expand the options municipalities have to enforce its administrative adjudications in circuit court that might be beyond the scope of home rule authority. Nothing in the plain language of the statute or its legislative history even remotely suggests – much less explicitly states – that, by enacting section 5/2-1.2-1, the General Assembly meant to preempt home rule authority.

This Court should reverse the decision of the Third District because it did not recognize or address the issue of home rule preemption. Having ignored that critical



analysis, the Third District then immediately went on to read Section 5/1-2.1-2 in a the manner that, not only preempts home rule authority, but does so in a way that is much more restrictive than the plain language could possibly allow, rather than give it a narrow reading that that intrudes the least on home rule authority, as the law requires. Lintzeris v. City of Chicago, 2023 IL 127547, ¶ 35 (“[T]he powers and functions of home rule units are to be construed liberally”). As a result, the Third District incorrectly assumed that the section applied to Joliet’s code and that it limited Joliet’s jurisdiction. Its judgment should be reversed. As laid out above, that is not the case both procedurally and substantively which this Court can now correct.

**II. Joliet's Overweight Ordinance is distinct from, not similar to, any Illinois Vehicle Code provision that is designated as a traffic regulation governing the movement of vehicles.**

Section 5/1-2.1-2 (ii) also does not apply on the ground that it is a “similar offense” to any “traffic regulation governing the movement of vehicles” in the Vehicle Code. Simply put, it is not similar to any such regulation in the Vehicle Code. Chapter 15 of the Illinois Vehicle Code contains a vehicle weight restriction, but Joliet’s weight restriction is not similar to it. That chapter of the Vehicle Code’s focuses on size, equipment, and safety features of vehicles. Within this chapter, the only limitation on vehicle loads is outlined in Section 15-111 (625 ILCS 5/15-111). This provision sets specific weight limits for vehicles based on various axle configurations. Conversely, Joliet's overweight ordinance, as stated in Joliet Code of Ordinances § 19-21 (amended Dec. 17, 2019), pertains to operating vehicles exceeding a weight rating of 24,000 pounds on non-designated city roads. Importantly, Joliet's ordinance does not require the weighing of vehicles but rather regulates weight ratings, and it does not consider the number of axles. Pursuant to 625

ILCS 5/15-111(a), the gross vehicle weight rating is the value specified by the manufacturer of the vehicle as the loaded weight of the towing truck. Consequently, Joliet's ordinance differs substantially from the most relevant provisions in the Illinois Vehicle Code. Given the liberal construction of home rule powers, *Lintzeris*, 2023 IL 127547, ¶ 35, (*Potek v. City of Chicago*, 2022 IL App (1st) 211286, ¶ 51), the ordinance represents a valid exercise of Joliet's home rule authority in concurrently regulating overweight vehicles.

And, regardless, the weight regulations in the Vehicle Code are not themselves “traffic regulations governing the movement of vehicles,” so even if Joliet’s ordinance were “similar,” it still does not fit the bill. The appellate court below erred in assuming a definition of “traffic regulation governing the movement of vehicles” that simply does not apply. The court applied this term as if it covers any regulation of the manner in which vehicles move about. *Cammacho*, 2022 IL App (3d) 210591, ¶¶ 10-11. That is wrong as a matter of law. As we explain above, only regulations specifically designated as such, and which are then assigned points for the purpose of monitoring driving privileges, fit the definition in the Illinois Administrative Code. 92 Ill. Adm. Code 1030.1. Nothing in the Vehicle Code designates the Vehicle Code weight provisions to be traffic regulations governing the movement of vehicles, and points are not assigned to violations of those provisions.

Moreover, the only other Vehicle Code provision that even arguably be applicable to weight restrictions is in Chapter 11 of the Vehicle Code. Section 5/11-208.3 refers to municipal authority to enforce its regulations of “the condition” of vehicles. Weight regulations might bear on a “condition” of vehicles. But that provision clearly recognizes

that municipalities have the authority to administratively adjudicate violations of ordinances covering the “condition” of vehicles. 625 ILCS 5/11-208.3. Thus, reading section 1-2.1-2 to exclude administrative adjudication of weight restrictions would be inconsistent with that Vehicle Code provision.

Finally, Joliet’s ordinance does not even qualify as a moving violation in the sense that the Third District found; it does not regulate or control how vehicles operate, travel, or behave on roads, streets, or other designated areas. It is not an offense that occurs because of something the driver does while the vehicle is moving, like speeding, reckless driving, running a red light, improper lane change, and failure to yield. Without regard to any such movement, the ordinance applies based on the condition of the vehicle – specifically, the vehicle’s weight. And neither anything in the Vehicle Code nor common sense supports the notion that a “traffic regulation governing the movement of vehicles” could possibly include offenses like overweight, overlength, or other “conditions” of a vehicle, which have nothing to do with how the vehicle is moving. As a result, the Third District’s decision is incorrect and should be overturned.

While the Third District recognized that not all violations of the Illinois Vehicle Code are “traffic regulations governing the movement of vehicles”, it did not provide any analysis or explanation as to why it thought Joliet’s ordinance was a traffic regulation governing the movement of vehicles. Further, the Third District ignored the distinctions of Joliet’s ordinance which is incorrect. Consequently, the Third District decision should be reversed by finding that Joliet’s ordinance is dissimilar to a traffic regulation governing the movement of vehicles under the Illinois Vehicle Code.

### **III. Joliet’s Ordinance is not a Traffic Regulation Governing the Movement of Vehicles**

Section 5/1-2.1-2 does not prohibit the administrative adjudication of offenses against Ordinance 19-21. The appellate court's decision is based on a misunderstanding of the phrase "traffic regulation governing the movement of vehicles" in Section 5/1-2.1-2. This phrase includes violations that could result in the suspension or revocation of driving privileges. Under Section 5/1-2.1-2 (ii), the offenses that cannot be administratively adjudicated are those which are violations of traffic regulations governing the movement of vehicles under the Illinois Vehicle Code and are reportable under 6-204 or are similar to offenses that fall into both of those categories. Therefore, if the offense is not a violation of a "traffic regulation governing the movement of vehicles," then it can be administratively adjudicated. The phrase "traffic regulation governing the movement of vehicles" is a term of art with a specific definition in the Illinois Administrative Code, and it does not encompass every traffic offense involving the movement of a vehicle. 92 Ill. Adm. Code 1030.1 (defining "Traffic Regulation Governing the Movement of Vehicles" as "a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20). As the City of Chicago explains in its brief *amicus curiae*, the purpose of the exception in subsection (ii) is to ensure that certain offenses are reported to the Secretary of State so that it can monitor violations for the safety and welfare of the public – more specifically, the Secretary of State keeps track of violations and assigns points to them when they are designated "traffic regulations governing the movement of vehicles" so that it may assess when it is appropriate to restrict or revoke driving privileges. 625 ILCS 5/6-206(a)(2). Joliet's ordinance is not similar to any Vehicle Code restriction that has been designated a "traffic regulation governing the movement of vehicles," and it does not, therefore, involve

any conduct that would be assigned points under the Secretary of State's reporting system. Therefore, the administrative enforcement of Ordinance 19-21 should be allowed.

**IV. The authorization for administrative adjudications in Chapter 11 of the Illinois Vehicle Code does not limit a municipality's ability to adjudicate violations not covered by that chapter.**

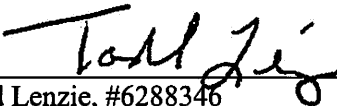
Section 11-208.3 of the Illinois Vehicle Code serves as an authorization provision, outlining the purpose of administrative adjudication and establishing criteria for eligible minor civil offenses. However, this section specifically falls within Chapter 11 (Rules of the Road) of the Illinois Vehicle Code. Municipalities are authorized to adjudicate violations of their ordinances that do not fall under the civil offenses detailed in Section 11-208. Therefore, Joliet's overweight ordinance is not affected by 625 ILCS 5/11-208.3, as Chapter 11 does not encompass any prohibitions similar to the ordinance in question.

**CONCLUSION**


Based on the arguments presented above, Joliet respectfully requests this Honorable Court grant it leave to appeal from the judgment of the Appellate Court, Third Judicial District, which reversed the judgment of the Circuit Court and affirm the judgment of the Circuit Court.

Respectfully submitted,

CITY OF JOLIET

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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

ROBERT COYMACHO, JR., JAMES A. JONES, BURCE D. OLIVER, DAVID B. SHEER, JORGE URBINA

Plaintiff

vs

CITY OF JOLIET,  
an Illinois Municipal  
Corporation

CASE NO. 2021MR001420

Defendants

FILED  
21 JUN -2 PM 2:49  
12TH JUDICIAL CIRCUIT COURT  
WILL COUNTY, ILLINOIS

SUMMONS IN ADMINISTRATIVE REVIEW  
(Except Worker's Compensation)

To each defendant:

You are hereby summoned and required to file an answer in this case or otherwise file your appearance in the Office of the Clerk of this Court within thirty-five (35) days after service of this summons.

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

This summons is served upon you by certified mail pursuant to the provisions of the Administrative Review Law.



WITNESS 05/13/2021, 20

*Andrea Lynn Chasteen*  
(Clerk of the Circuit Court)

On 06/02/2021, 20, a copy of this summons was sent to each defendant's address by CERTIFIED MAIL DELIVERY as follows:

**DEFENDANT**  
CITY OF JOLIET

**ADDRESS**  
150 W. JEFFERSON STREET, JOLIET, IL 60432

ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT  
WILL COUNTY, ILLINOIS

ROBERT COMMACHO JR.	)	
JAMES A. JONES, BRUCE D. OLIVER,	)	
DAVID B. SPEER, JORGE URBINA	)	
	)	
Plaintiffs,	)	
	)	Case No. 2021MR001420
Versus	)	
	)	
CITY OF JOLIET, an Illinois Municipal	)	
Corporation,	)	
	)	
Defendant.	)	

**COMPLAINT FOR ADMINISTRATIVE REVIEW**

Now Comes the Plaintiffs/Petitioners, ROBERT COMMACHO JR., JAMES A. JONES, BRUCE D. OLIVER, DAVID B. SPEER and JORGE URBINA, by and through their attorney, and pursuant to 735 ILCS 5/3-101 *et. seq.* does hereby seek administrative review and reversal of an administrative finding of Guilt/Liability entered in administrative proceedings before the City of Joliet, an Illinois Municipal Corporation, viz:

**OPERATIVE FACTS**

1. The City of Joliet is known as the “Crossroads of Mid-America”<sup>1</sup> in large part because two major Interstates, I-80 and I-55, cross within its borders. Joliet is also served by Illinois Route 53, a north-south throughfare and designated Illinois truck route.<sup>2</sup>
2. Joliet is also where major rail lines intersect and where a series of canals and locks, known as the Chicago Area Waterway System (CAWS), which connects Lake Michigan to the Illinois River, and ultimately to the Mississippi River and the Gulf of Mexico.<sup>3</sup>

<sup>1</sup> <https://www.joliet.gov/business/economic-development/sites-buildings>

<sup>2</sup> <https://www.gettingaroundillinois.com/MapView/?config=DTRconfig.json>

<sup>3</sup> Katherine Storch & Nick Schroeck, *Asian Carp, Chicago Canal Litigation, and the Great Lakes and Mississippi River Inter-Basin Study*, 29 Mich. Env. L. J. 12 (2011).

<b>Initial case management set for</b>
08/31/2021 at: 9:00 a.m.

3. Due in large part to logistical situs, Joliet was also the home to a large US Army Ammunitions Plant, which plant operated from WWII through the end of the Viet Nam War.<sup>4</sup> A large part of these former federal lands have since been transferred to the Joliet Arsenal Development Authority (JADA), a body politic of the State of Illinois. (See 70 ILCS 508/15)
4. The purpose of this transfer, and of JADA, is to spur economic development by selling these lands to industrial concerns for redevelopment into logistics parks and transport facilities. The sale and redevelopment of these lands has surpassed all expectations, causing traffic congestion and a great increase to commercial truck traffic in the Joliet area.<sup>5</sup>
5. This success has not, however, come without consequences. Rather, it has led to vocal opposition of any further expansion of these intermodals and the truck traffic attendant to these facilities.<sup>6</sup> This opposition arises primarily from small communities and subdivisions which had been built along Illinois Rt. 53, in close proximity to these former federal lands, well before redevelopment occurred.
6. The result of redevelopment for these small outcroppings of homes has been to turn a former bucolic area into one with laden with heavy industrial facilities and high volumes of commercial truck traffic.
7. To address these legitimate citizen concerns, the City of Joliet has taken multiple steps.
8. The City of Joliet has adopted the Illinois Vehicle Code into its ordinances (Jol. Ord. §19-1)<sup>7</sup> and has designated certain Joliet throughfares as approved Truck Routes (Jol. Ord. §19-11 *et. seq.*), and has prohibited any trucks from operating on any non-designated state or local roadways. (Jol. Ord. §19-12)
9. Further, Joliet has posted multiple “No Trucks” signs along various arterial and residential streets which connect to Ill. Rt. 53. The City of Joliet has also created a “Truck Enforcement” division within its police department to monitor and enforce compliance with commercial trucking regulations.<sup>8</sup>

<sup>4</sup> <https://www.fs.usda.gov/detail/midewin/learning/history-culture/?cid=stelprdb5155180>

<sup>5</sup> [https://www.willcountyillinois.com/Intermodal/Home/fbclid=IwAR2bCz-B7nWAsIK6GXrZDW-10kiZhiZHwWWhp\\_uHeR3VWPU6qo1W3XEEa1M](https://www.willcountyillinois.com/Intermodal/Home/fbclid=IwAR2bCz-B7nWAsIK6GXrZDW-10kiZhiZHwWWhp_uHeR3VWPU6qo1W3XEEa1M)

<sup>6</sup> <https://www.no2northpoint.com/>

<sup>7</sup> [https://library.municode.com/il/joliet/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH19MOVETR\\_ARTIVECO](https://library.municode.com/il/joliet/codes/code_of_ordinances?nodeId=COOR_CH19MOVETR_ARTIVECO)

<sup>8</sup> <https://www.joliet.gov/Home/Components/News/News/2638/>

10. The City has also adopted into its Ordinances penalties for the violation of its ordinances (Joliet Ord. §19-25) Additionally, the City of Joliet has adopted an “Administrative Adjudication Code” (Joliet Ord. §3-1), including 625 ILCS 5/11-208.3, which allows for the adjudication of “[V]iolations of traffic regulations concerning the standing, parking, or condition of vehicles to the extent permitted by the Illinois Constitution.” (Joliet Ord. §3-1(b))
11. All of the Defendants herein are commercial truck drivers who traveled upon posted “No Truck” routes, and upon non-designated throughfares within the City of Joliet, and who as a result were issued administrative compliance citations by the City of Joliet.
12. Each of the Plaintiffs herein have been issued administrative compliance tickets for “Overweight on Non-Designated Highway” and “Overlength on Non-Designated Highway”, alleging a violation of City of Joliet Ordinances.
13. Each of these foregoing Plaintiffs challenged the jurisdiction of the City of Joliet to issue and adjudicate administrative compliance tickets.

### **REQUEST FOR ADMINISTRATIVE REVIEW**

#### **735 ILCS 5/3-101**

14. Attached hereto and incorporated hereto are the “*Findings, Decisions and Order*” of the Administrative Judge, entered April 13, 2021, adjudicating each Plaintiff liable for violation of the City of Joliet Ordinances relating to travel over non-designated routes. Specifically, the Administrative Hearing Officer adjudicated each guilty/liable for overweight and overlength, and on a non-designated City of Joliet Roadway.
15. The Plaintiffs herein raise only a legal challenge to the Hearing Officer’s finding of guilt/liability. Specifically, the Plaintiffs assert that the administrative compliance citations issued to them are not subject to administrative adjudication, under the Illinois Vehicle Code (625 ILCS 5/11-208.3), Illinois Municipal Code (65 ILCS 5/1-2.1-2), nor the Ordinances of the City of Joliet. (Joliet Ord. §3-1(b))
16. Plaintiffs further urge that the Citations are moving offenses, within the meaning of the Illinois Vehicle Code, and thus cannot form a basis for administrative compliance violations.
17. Accordingly, the Plaintiffs each prays that the fines levied against them be vacated, and that the administrative finding(s) of guilty/liability be held for naught, and that such compliance citations be dismissed;

18. The Plaintiffs further state that, upon information and belief, there are tape recordings of the proceedings. It is unknown if there are transcripts;
19. Plaintiffs further state that the City of Joliet is in possession of the official records of these proceedings, which the Plaintiffs request be filed with this Honorable Court;
20. Plaintiffs further state that they entered into a factual stipulation with the City of Joliet with respect to the underlying facts, and that Plaintiffs do not believe a factual dispute exists. Rather, Plaintiffs view the dispute at hand as a matter of law.

**WHEREFORE**, the Plaintiffs pray as follows:

- A. That administrative review of the finding of the Administrative Hearing Officer be undertaken;
- B. That the Order(s) of the Hearing Officer be reversed;
- C. That the City of Joliet be ordered to timely file with this Honorable Court the record(s) in this matter;
- D. For any and all further and other relief this court deems proper, just and fit.

ROBERT COMMACHO JR.,  
 JAMES A. JONES,  
 BRUCE D. OLIVER,  
 DAVID B. SPEER and JORGE URBINA

By: Frank Andreano  
 Attorney for Plaintiffs

Attorney Frank P. Andreano  
 ANDREANO LAW PC  
 Attorney for the Plaintiffs  
 58 N. Chicago Street, Suite 509  
 Joliet, Illinois 60432  
 Telephone: (815) 242-2000  
[FRANK@ILTRIALS.COM](mailto:FRANK@ILTRIALS.COM)

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

ROBERTO JR CAMACHO  
11433 ERNEST RD  
SOCORRO, TX 79927

April 13, 2021



Citation #: C1313-000166 Plate: R450447  
Vehicle Make: INTERNATIONAL  
Violation Date: 07/08/2020 01:13 PM  
Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Findings/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
JUDGMENT TOTAL:	\$750.00	PAID: \$0.00
COURT COST:	\$50.00	BALANCE DUE \$800.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

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Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 09, 2021 and Jun 03, 2021:	\$850.00
Payment made on or after Jun 04, 2021:	\$950.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

  
Victor Puscas  
Administrative Hearing Officer



CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

v.

JAMES A JONES  
1306 CARROLL AVE  
TEXARKANA, TX 75501

Petitioner,

April 13, 2021



Citation #: C1313-000144      Plate: 2832660  
Vehicle Make: PETERBILT  
Violation Date: 05/29/2020 03:02 PM  
Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
	JUDGMENT TOTAL: \$750.00	PAID: \$0.00
	COURT COST: \$50.00	BALANCE DUE \$800.00

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ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

BRUCE D OLIVER  
5535 SILVERDALE AVE  
JACKSONVILLE, FL 32209

April 13, 2021



Citation #: C9235-001245      Plate: P742171  
Vehicle Make: FREIGHTLINER  
Violation Date: 08/15/2020 11:27 AM  
Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21	Upheld (Liable)	\$750.00

OVERWEIGHT ON NON-DESIGNATED CITY ROAD

Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).

JUDGMENT TOTAL:	\$750.00	PAID:	\$0.00
COURT COST:	\$50.00	BALANCE DUE	\$800.00

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ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

DAVID B SPEER  
369 FOSTERVILLE RD  
GREENSBURG, PA 15601

Respondent,

April 13, 2021



Citation #: C6130-060733      Plate: 2720026  
Vehicle Make: INTERNATIONAL  
Violation Date: 02/06/2020 12:04 PM  
Violation Location: MILLSDALE / BRIDGE

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21	Upheld (Liable)	\$750.00

OVERWEIGHT ON NON-DESIGNATED CITY ROAD

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JUDGMENT TOTAL:	\$750.00	PAD:	\$0.00
COURT COST:	\$50.00	BALANCE DUE	\$800.00

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Payment made on or after Jun 04, 2021:	\$950.00

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ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner, )

v.

DAVID B SPEER  
369 FOSTERVILLE RD  
GREENSBURG, PA 15601

April 13, 2021



Citation #: C6130-000734 Plate: 2720026  
Vehicle Make: INTERNATIONAL  
Violation Date: 02/06/2020 12:04 PM  
Violation Location: MILLSDALE / BRIDGE

Respondent, )

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-19	Upheld (Liable)	\$500.00

OVER MAXIMUM LENGTH ON NON-DESIGNATED CITY STREET

Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).

JUDGMENT TOTAL:	\$500.00	PAID:	\$0.00
COURT COST:	\$50.00	BALANCE DUE	\$550.00

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Payment made between May 09, 2021 and Jun 03, 2021:	\$600.00
Payment made on or after Jun 04, 2021:	\$700.00

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ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner, )

v. )

JORGE URBINA  
6023 WALLACE RD  
HAMMOND, IN 46320

April 13, 2021



Citation #: C9235-001517      Plate: P801265  
Vehicle Make: INTERNATIONAL  
Violation Date: 10/13/2020 09:33 AM  
Violation Location: HICKORY / ONEIDA

Respondent. )

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21	Upheld (Liable)	\$750.00

OVERWEIGHT ON NON-DESIGNATED CITY ROAD

Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).

JUDGMENT TOTAL:	\$750.00	PAID:	\$0.00
COURT COST:	\$50.00	BALANCE DUE	\$800.00

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ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

JORGE URBINA  
6023 WALLACE RD  
HAMMOND, IN 46320

April 13, 2021



Citation #: C9235-001518      Plate: P801265  
Vehicle Make: INTERNATIONAL  
Violation Date: 10/13/2020 09:33 AM  
Violation Location: HICKORY / ONEIDA

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-19 OVER MAXIMUM LENGTH ON NON-DESIGNATED CITY STREET	Upheld (Liable)	\$500.00
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	COURT COST: \$50.00	BALANCE DUE \$550.00

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ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

MUNICIPAL CODE VIOLATION CITATION  
CITY OF JOLIET  
CODE HEARING DIVISION



City of Joliet, )  
a municipal corporation, )  
Petitioner, )  
)  
vs. )  
)  
JAMES JONES, ROBERTO )  
CAMACHO, DAVID SPEER, BRUCE )  
OLIVER, SAHIL CHOUDHARY )  
Respondent. )

Gen. Nos.: C1313-000144  
C1313-00166  
C6130-000733-234  
C9735-001245  
C9735-001362

**FINDINGS, DECISION AND ORDER**

This matter comes before the Administrative Hearing Officer pursuant to certain Complaints for violations of the City's Code of Ordinances alleging that the Respondent(s), committed one or more of the following:

- 19-21 Weight Restrictions
- 19-19 Length Restrictions

The Respondents, through their attorneys, filed separate motions to dismiss for lack of jurisdiction, and to produce weigh tickets. Both counsel had an opportunity to explain their relative positions at a hearing on September 22, 2020. Counsel for the Respondent submitted pleadings which referenced certain case law. Counsel for the Petitioner relied on the complaints and enabling statutes in support of their position. The matter was taken under advisement to research the relevant case law, statutes, and ordinances.

The facts, generally, do not seem to be in dispute. The five (5) defendants received overweight tickets on separate dates. The matters have been consolidated for judicial economy. Counsel for the defendants referred to 65 ILCS 5/1-2.1-2, 625 ILCS 5/11-208.3, 625 ILCS 5/15-316(c) and *Catom Trucking v. City of Chicago* in support of his position that the City of Joliet does not have the authority to govern the movement of overweight traffic since there is already a state statute on point. All have been attached for ease of reference.

65 ILCS 5/1-2.1-2 governs the authority of a municipality to provide for administrative adjudication of municipal codes. 625 ILCS 5/11-208.3 governs the administrative adjudication of violations of traffic regulations. 625 ILCS 5/15-316(c) governs when a local authority may restrict rights to use highways. *Catom Trucking v. City of Chicago* held that home rule units possess the same powers as the state government to create laws, except where specifically limited by the General Assembly. It went on to talk about how statutes may prohibit administrative adjudication of "any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles as well as any reportable offense under Section 6-204 of the Illinois Vehicle Code."

Section 6-204 of the Illinois Vehicle Code concerns when courts must report offenses to the Secretary of State. The Joliet ordinances in question are not reportable offenses. *Catom* stands for the proposition that "moving offenses" cannot be administratively adjudicated, but the overweight tickets herein are not "moving offenses."

Furthermore, under Article VII, Section 6 of the Illinois Constitution, home rule units of local government may enact regulations when the state has not specifically declared its exercise to be exclusive. Joliet is a home rule unit, so they have the authority to enforce conditions of vehicles regarding weight and size upon their roadways. Because they are not enforcing actual weight, but only the vehicle's rating, there is no need to produce a weigh ticket. Finally, counsel for the City refers to 625 ILCS 11-208 (7) in support of its position. This statute specifically gives local authorities the power to restrict the use of highways as authorized in the overweight statute. As a result, it cannot be said that Illinois has declared its exercise of overweight enforcement to be exclusive. For all of the foregoing, the Defendant's motion to produce a weigh ticket is denied, and the motion to dismiss for lack of jurisdiction is denied.

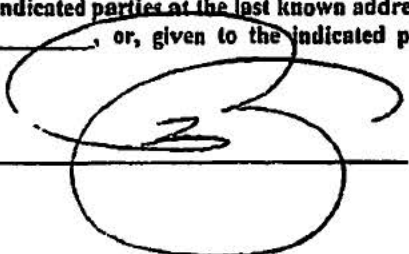
**NOTICE**

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection. Any vehicle impounded will be subject to being disposed of as an unclaimed vehicle after 30 days from the date of this decision.

**CERTIFICATE OF SERVICE**

I certify that copies of this decision and order were sent to the indicated parties at the last known address(es) by first class mail with proper postage prepaid on: \_\_\_\_\_, or, given to the indicated parties personally at hearing on \_\_\_\_\_.

Date 9/24/20

Hearing Officer 



## 5/1-2.1-2. Administrative adjudication of municipal code violations, IL ST CH 65 § 5/1-2.1-2

KeyCite: Yellow Flag - Negative Treatment

Proposed Legislation

West's Smith-Hurd Illinois Compiled Statutes Annotated  
 Chapter 65, Municipalities  
 Act 5, Illinois Municipal Code (Refs & Annos)  
 Article 1, General Provisions  
 Division 2.1, Administrative Adjudications (Refs & Annos)

## 65 ILCS 5/1-2.1-2

## 5/1-2.1-2. Administrative adjudication of municipal code violations

## Currentness

§ 1-2.1-2. Administrative adjudication of municipal code violations. Any municipality may provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution. A "system of administrative adjudication" means the adjudication of any violation of a municipal ordinance, except for (i) proceedings not within the statutory or the home rule authority of municipalities; and (ii) any offense under the Illinois Vehicle Code<sup>1</sup> or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.<sup>2</sup>

## Credits

Laws 1961, p. 576, Art. 1, § 1-2.1-2, added by P.A. 90-516, § 5, eff. Jan. 1, 1998

## Footnotes

1 625 ILCS 5/1-100 et seq.

2 625 ILCS 5/6-204.

65 I.L.C.S. 5/1-2.1-2, IL ST CH 65 § 5/1-2.1-2

Current through P.A. 101-651. Some statute sections may be more current, see credits for details.

End of Document

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5/11-208.3. Administrative adjudication of violations of traffic.... IL ST CH 625 §...

KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Smith-Hurd Illinois Compiled Statutes Annotated  
 Chapter 625. Vehicles  
 Act 5. Illinois Vehicle Code (Refs & Annos)  
 Chapter 11. Rules of the Road (Refs & Annos)  
 Article II. Obedience to and Effect of Traffic Laws (Refs & Annos)

625 ILCS 5/11-208.3

Formerly cited as IL ST CH 95 1/2 ¶ 11-208.3

**5/11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations**

Effective: July 1, 2020

Currentness

**§ 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations.**

(a) Any municipality or county may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as described in this subsection, automated traffic law violations as defined in Section 11-208.6, 11-208.9, or 11-201.1, and automated speed enforcement system violations as defined in Section 11-208.8. The administrative system shall have as its purpose the fair and efficient enforcement of municipal or county regulations through the administrative adjudication of automated speed enforcement system or automated traffic law violations and violations of municipal or county ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal or county wheel tax licenses within the municipality's or county's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$500 or requiring the completion of a traffic education program, or both, that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal or county regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal or county wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking, compliance, and automated speed enforcement system or automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated speed enforcement system or automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice that shall specify or include the date, time, and place of violation of a parking, standing, compliance, automated speed enforcement

WESTLAW

## 5/11-208.3. Administrative adjudication of violations of traffic..., IL ST CH 625 §...

system, or automated traffic law regulation; the particular regulation violated; any requirement to complete a traffic education program; the fine and any penalty that may be assessed for late payment or failure to complete a required traffic education program, or both, when so provided by ordinance; the vehicle make or a photograph of the vehicle; the state registration number of the vehicle; and the identification number of the person issuing the notice. With regard to automated speed enforcement system or automated traffic law violations, vehicle make shall be specified on the automated speed enforcement system or automated traffic law violation notice if the notice does not include a photograph of the vehicle and the make is available and readily discernible. With regard to municipalities or counties with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make specified is incorrect. The violation notice shall state that the completion of any required traffic education program, the payment of any indicated fine, and the payment of any applicable penalty for late payment or failure to complete a required traffic education program, or both, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of a parking, standing, or compliance violation notice by: (i) affixing the original or a facsimile of the notice to an unlawfully parked or standing vehicle; (ii) handing the notice to the operator of a vehicle if he or she is present; or (iii) mailing the notice to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after date of the violation, except that in the case of a lessee of a motor vehicle, service of a parking, standing, or compliance violation notice may occur no later than 210 days after the violation; and service of an automated speed enforcement system or automated traffic law violation notice by mail to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the violation, except that in the case of a lessee of a motor vehicle, service of an automated traffic law violation notice may occur no later than 210 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. In municipalities with a population of less than 1,000,000 inhabitants and counties with a population of less than 3,000,000 inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation. In municipalities with a population of 1,000,000 or more inhabitants and counties with a population of 3,000,000 or more inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation or by an additional fully-trained reviewing technician who is not employed by the contractor who employs the technician who made the initial determination. In the case of an automated speed enforcement system violation, the ordinance shall require a determination by a technician employed by the municipality, based upon an inspection of recorded images, video or other documentation, including documentation of the speed limit and automated speed enforcement signage, and documentation of the inspection, calibration, and certification of the speed equipment, that the vehicle was being operated in violation of Article VI of Chapter 11 of this Code or a similar local ordinance. If the technician determines that the vehicle speed was not determined by a calibrated, certified speed equipment device based upon the speed equipment documentation, or if the vehicle was an emergency vehicle, a citation may not be

## 5/11-208.3. Administrative adjudication of violations of traffic... IL ST CH 625 §...

issued. The automated speed enforcement ordinance shall require that all determinations by a technician that a violation occurred be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality issuing the violation or by an additional fully trained reviewing technician who is not employed by the contractor who employs the technician who made the initial determination. Routine and independent calibration of the speeds produced by automated speed enforcement systems and equipment shall be conducted annually by a qualified technician. Speeds produced by an automated speed enforcement system shall be compared with speeds produced by lidar or other independent equipment. Radar or lidar equipment shall undergo an internal validation test no less frequently than once each week. Qualified technicians shall test loop based equipment no less frequently than once a year. Radar equipment shall be checked for accuracy by a qualified technician when the unit is serviced, when unusual or suspect readings persist, or when deemed necessary by a reviewing technician. Radar equipment shall be checked with the internal frequency generator and the internal circuit test whenever the radar is turned on. Technicians must be alert for any unusual or suspect readings, and if unusual or suspect readings of a radar unit persist, that unit shall immediately be removed from service and not returned to service until it has been checked by a qualified technician and determined to be functioning properly. Documentation of the annual calibration results, including the equipment tested, test date, technician performing the test, and test results, shall be maintained and available for use in the determination of an automated speed enforcement system violation and issuance of a citation. The technician performing the calibration and testing of the automated speed enforcement equipment shall be trained and certified in the use of equipment for speed enforcement purposes. Training on the speed enforcement equipment may be conducted by law enforcement, civilian, or manufacturer's personnel and if applicable may be equivalent to the equipment use and operations training included in the Speed Measuring Device Operator Program developed by the National Highway Traffic Safety Administration (NHTSA). The vendor or technician who performs the work shall keep accurate records on each piece of equipment the technician calibrates and tests. As used in this paragraph, "fully-trained reviewing technician" means a person who has received at least 40 hours of supervised training in subjects which shall include image inspection and interpretation, the elements necessary to prove a violation, license plate identification, and traffic safety and management. In all municipalities and counties, the automated speed enforcement system or automated-traffic law ordinance shall require that no additional fee shall be charged to the alleged violator for exercising his or her right to an administrative hearing, and persons shall be given at least 25 days following an administrative hearing to pay any civil penalty imposed by a finding that Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar local ordinance has been violated. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 or subsection (p) of Section 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8 of this Code, to the lessee of the cited vehicle

## 5/11-208.3. Administrative adjudication of violations of traffic..., IL ST CH 625 §...

at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of parking, standing, or compliance violation if the first notice of the violation was issued by affixing the original or a facsimile of the notice to the unlawfully parked vehicle or by handing the notice to the operator. This notice shall specify or include the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make or a photograph of the vehicle, the state registration number of the vehicle, any requirement to complete a traffic education program, the fine and any penalty that may be assessed for late payment or failure to complete a traffic education program, or both, when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure to complete a required traffic education program, to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any incomplete traffic education program or any unpaid fine or penalty, or both, will constitute a debt due and owing the municipality or county.

(ii) A notice of final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the incomplete traffic education program or the unpaid fine or penalty, or both, is a debt due and owing the municipality or county. The notice shall contain warnings that failure to complete any required traffic education program or to pay any fine or penalty due and owing the municipality or county, or both, within the time specified may result in the municipality's or county's filing of a petition in the Circuit Court to have the incomplete traffic education program or unpaid fine or penalty, or both, rendered a judgment as provided by this Section, or, where applicable, may result in suspension of the person's drivers license for failure to complete a traffic education program or to pay fines or penalties, or both, for 5 or more automated traffic law violations under Section 11-208.6 or 11-208.9 or automated speed enforcement system violations under Section 11-208.8.

(6) A notice of impending drivers license suspension. This notice shall be sent to the person liable for failure to complete a required traffic education program or to pay any fine or penalty that remains due and owing, or both, on 5 or more unpaid automated speed enforcement system or automated traffic law violations. The notice shall state that failure to complete a required traffic education program or to pay the fine or penalty owing, or both, within 45 days of the notice's date will result in the municipality or county notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the municipality or county along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to complete the required traffic education program or to pay the fine or penalty, or both, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior

5/11-208.3. Administrative adjudication of violations of traffic..., IL ST CH 625 §...

mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability that may be filed by a person owing an unpaid fine or penalty. A petition to set aside a determination of liability may also be filed by a person required to complete a traffic education program. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already completed the required traffic education program or paid the fine or penalty, or both, for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities or counties with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make, only if specified in the violation notice, is incorrect. After the determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality or county may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, compliance, automated speed enforcement system, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines or failure to complete required traffic education programs, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed \$250, except as provided in subsection (c) of Section 11-1301.3 of this Code.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality or county establishing vehicular standing, parking, compliance, automated speed enforcement system, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability, or both, as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability, or both, listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without the completion of the required traffic education program or payment of the outstanding fines and penalties on parking, standing, compliance,

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automated speed enforcement system, or automated traffic law violations, or both, for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.<sup>1</sup>

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.<sup>2</sup>

(e) Any fine, penalty, incomplete traffic education program, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality or county and, as such, may be collected in accordance with applicable law. Completion of any required traffic education program and payment in full of any fine or penalty resulting from a standing, parking, compliance, automated speed enforcement system, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, the municipality or county may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality or county from consolidating multiple final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations against a person in a proceeding. Upon commencement of the action, the municipality or county shall file a certified copy or record of the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal or county ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure<sup>3</sup> or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations does not exceed \$2500. If the court is satisfied that the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal or county ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality or county and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(g) The fee for participating in a traffic education program under this Section shall not exceed \$25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

5/11-208.3. Administrative adjudication of violations of traffic..., IL ST CH 625 §...

#### Credits

P.A. 76-1586, § 11-208.3, added by P.A. 85-876, § 2, eff. Nov. 6, 1987. Amended by P.A. 86-947, § 2, eff. Nov. 13, 1989; P.A. 87-181, § 1, eff. Sept. 3, 1991; P.A. 88-415, § 10, eff. Aug. 20, 1993; P.A. 88-437, § 5, eff. Jan. 1, 1994; P.A. 88-670, Art. 2, § 2-59, eff. Dec. 2, 1994; P.A. 89-190, § 5, eff. Jan. 1, 1996; P.A. 92-695, § 10, eff. Jan. 1, 2003; P.A. 94-294, § 5, eff. Jan. 1, 2006; P.A. 94-795, § 5, eff. May 22, 2006; P.A. 94-930, § 5, eff. June 26, 2006; P.A. 95-331, § 1005, eff. Aug. 21, 2007; P.A. 96-288, § 10, eff. Aug. 11, 2009; P.A. 96-478, § 5, eff. Jan. 1, 2010; P.A. 96-1000, § 575, eff. July 2, 2010; P.A. 96-1016, § 5, eff. Jan. 1, 2011; P.A. 96-1386, § 10, eff. July 29, 2010; P.A. 97-29, § 5, eff. Jan. 1, 2012; P.A. 97-333, § 525, eff. Aug. 12, 2011; P.A. 97-672, § 5, eff. July 1, 2012; P.A. 98-556, § 5, eff. Jan. 1, 2014; P.A. 98-1028, § 5, eff. Aug. 22, 2014; P.A. 101-32, § 20-5, eff. June 28, 2019; P.A. 101-623, § 5, eff. July 1, 2020.

#### Footnotes

- 1 735 ILCS 5/3-101.
- 2 735 ILCS 5/3-101 et seq.
- 3 735 ILCS 5/2-203.

625 I.L.C.S. 5/11-208.3, IL ST CH 625 § 5/11-208.3

Current through P.A. 101-651. Some statute sections may be more current, see credits for details

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5/15-316. When the Department or local authority may..., IL ST CH 625 § 5/15-316

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

West's Smith-Hurd Illinois Compiled Statutes Annotated  
Chapter 625. Vehicles  
Act 5. Illinois Vehicle Code (Refs & Annos)  
Chapter 15. Size, Weight, and Load Permits (Refs & Annos)  
Article III. Permits (Refs & Annos)

625 ILCS 5/15-316  
Formerly cited as IL ST CH 95 1/2 § 15-316

**5/15-316. When the Department or local authority may restrict right to use highways**

Effective: January 1, 2020  
Currentness

§ 15-316. When the Department or local authority may restrict right to use highways.

(a) Except as provided in subsection (g), local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days, measured in either consecutive or nonconsecutive days at the discretion of local authorities, in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained. To be effective, an ordinance or resolution passed to designate a Class II roadway need not require that signs be erected, but the designation shall be reported to the Department.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(c-1) (Blank).

(c-5) Highway commissioners, with respect to roads under their authority, may not permanently post a road or portion thereof at a reduced weight limit unless the decision to do so is made in accordance with Section 6-201.22 of the Illinois Highway Code.

(d) The Department shall likewise have authority as hereinbefore granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and

5/15-316. When the Department or local authority may ... IL ST CH 625 § 5/15-316

such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution

(d-1) (Blank)

(d-2) (Blank).

(e) When any vehicle is operated in violation of this Section, the owner or driver of the vehicle shall be deemed guilty of a violation and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating this Section shall be fined \$50 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in subsections (a) or (b) of Section 15-111 and \$75 per every 500 pounds or fraction thereof for any weight exceeding that which is provided for in subsections (a) or (b) of Section 15-111

(f) A municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and is entitled to the proceeds of any fines collected from the enforcement

(g) An ordinance or resolution enacted by a county or township pursuant to subsection (a) of this Section shall not apply to cargo tank vehicles with two or three permanent axles when delivering propane for emergency heating purposes if the cargo tank is loaded at no more than 50 percent capacity, the gross vehicle weight of the vehicle does not exceed 32,000 pounds, and the driver of the cargo tank vehicle notifies the appropriate agency or agencies with jurisdiction over the highway before driving the vehicle on the highway pursuant to this subsection. The cargo tank vehicle must have an operating gauge on the cargo tank which indicates the amount of propane as a percent of capacity of the cargo tank. The cargo tank must have the capacity displayed on the cargo tank, or documentation of the capacity of the cargo tank must be available in the vehicle. For the purposes of this subsection, propane weighs 4.2 pounds per gallon. This subsection does not apply to municipalities. Nothing in this subsection shall allow cargo tank vehicles to cross bridges with posted weight restrictions if the vehicle exceeds the posted weight limit.

#### Credits

P.A. 76-1586, § 15-316, eff. July 1, 1970. Amended by P.A. 81-540, § 1, eff. Jan. 1, 1980; P.A. 86-447, § 2, eff. Aug. 30, 1989; P.A. 87-1203, § 1, eff. Sept. 25, 1992; P.A. 88-384, § 5, eff. Jan. 1, 1994; P.A. 89-117, § 10, eff. July 7, 1995; P.A. 89-687, § 5, eff. June 1, 1997; P.A. 90-211, § 5, eff. Jan. 1, 1998; P.A. 92-417, § 5, eff. Jan. 1, 2002; P.A. 93-177, § 10, eff. July 11, 2003; P.A. 96-1337, § 5, eff. Jan. 1, 2011; P.A. 99-168, § 5, eff. Jan. 1, 2016; P.A. 99-237, § 10, eff. Jan. 1, 2016; P.A. 99-642, § 525, eff. July 28, 2016; P.A. 101-328, § 5, eff. Jan. 1, 2020.

Formerly Ill Rev.Stat.1991, ch. 95 ½, ¶ 15-316.

625 I.L.C.S. 5/15-316, IL ST CH 625 § 5/15-316

Current through P.A. 101-651. Some statute sections may be more current, see credits for details.

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10/1/2022

Catom Trucking, Inc. v. City of Chicago, 2011 IL App (1st) 101146 (2011)

952 N.E.2d 170, 351 Ill.Dec. 797

KeyCite Yellow Flag—Negative Treatment  
Distinguished by *Keating v. City of Chicago*, Ill.App. 1 Dist., January 24,  
2013

2011 IL App (1st) 101146  
Appellate Court of Illinois,  
First District, Fifth Division.

**CATOM TRUCKING, INC., Richard  
McDonald, Tom Stellman, and  
Chad Stanko, Plaintiffs—Appellants,**  
v.  
**The CITY OF CHICAGO,**  
**Defendant—Appellee.**

No. 1–10–1146.

June 10, 2011.

#### Synopsis

**Background:** [Trucking company sued city], challenging procedures and regulations [city] adopted regarding size and weight limits on [city] roadways. The Circuit Court, Cook County, LeRoy K. Martin, Jr., J., granted [city] summary judgment. [Trucking company] appealed.

**Holdings:** The Appellate Court. Epstein, J., held that:

[1] [city] could not adjudicate citations for operation of overweight vehicles;

[2] [city] ordinance was limited to streets and highways under [city]'s jurisdiction,

[3] [city] could use non-police officers to enforce [city]'s weight ordinances; and

[4] [city] was authorized to require bond payment but not to impound trucks.

**Affirmed in part, reversed in part and remanded.**

West: Headnotes (17)

[1] **Judgment** ⇌ Existence or non-existence of fact issue

Summary judgment is intended to determine whether triable issues of fact exist and is appropriate where the pleadings, affidavits, depositions, admissions, and exhibits on file, when viewed in the light most favorable to the nonmovant, reveal that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.

3 Cases that cite this headnote

[2] **Judgment** ⇌ Motion or Other Application

When parties file cross-motions for summary judgment, they concede the absence of a genuine issue of material fact and invite the court to decide the questions presented as a matter of law.

3 Cases that cite this headnote

[3] **Appeal and Error** ⇌ De novo review

**Appeal and Error** ⇌ Summary judgment

The Appellate Court's standard of review for grant of summary judgment is de novo; and it may affirm the trial court's grant of summary judgment on any ground apparent from the record.

3 Cases that cite this headnote

[4] **Administrative Law and Procedure** ⇌ Exhaustion of Administrative Remedies

**Administrative Law and Procedure** ⇌ Constitutional or legal questions

A party who is aggrieved by administrative action generally cannot seek relief in the courts without first pursuing all administrative remedies available to him, except where the agency's authority or jurisdiction is challenged.

5/11-208. Powers of local authorities, IL ST CH 625 § 5/11-208

KeyCite Yellow Flag Negative Treatment  
Proposed Legislation

West's Smith-Hurd Illinois Compiled Statutes Annotated  
Chapter 625. Vehicles  
Act 5. Illinois Vehicle Code (Refs & Annos)  
Chapter 11. Rules of the Road (Refs & Annos)  
Article II. Obedience to and Effect of Traffic Laws (Refs & Annos)

625 ILCS 5/11-208  
Formerly cited as IL ST CH 95 1/2 § 11-208

5/11-208. Powers of local authorities

Effective: July 26, 2019  
Currentness

§ 11-208. Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Sections 11-1306 and 11-1307 of this Act;
2. Regulating traffic by means of police officers or traffic control signals,
3. Regulating or prohibiting processions or assemblages on the highways; and certifying persons to control traffic for processions or assemblages,
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604,
6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;
7. Restricting the use of highways as authorized in Chapter 15;

5/11-208. Powers of local authorities IL ST CH 625 § 5/11-208

8. Regulating the operation of mobile carrying devices, bicycles, low-speed electric bicycles, and low-speed gas bicycles, and requiring the registration and licensing of same, including the requirement of a registration fee,

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections,

10. Altering the speed limits as authorized in Section 11-604,

11. Prohibiting U-turns;

12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;

13. Prohibiting parking during snow removal operation;

14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or veterans with disabilities by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or a veteran with a disability;

15. Adopting such other traffic regulations as are specifically authorized by this Code; or

16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance

(b) No ordinance or regulation enacted under paragraph 1, 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section

## 5/11-208. Powers of local authorities. IL ST CH 625 § 5/11-208

6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(e-5) The City of Chicago may enact an ordinance providing for a noise monitoring system upon any portion of the roadway known as Lake Shore Drive. Twelve months after the installation of the noise monitoring system, and any time after the first report as the City deems necessary, the City of Chicago shall prepare a noise monitoring report with the data collected from the system and shall, upon request, make the report available to the public. For purposes of this subsection (e-5), "noise monitoring system" means an automated noise monitor capable of recording noise levels 24 hours per day and 365 days per year with computer equipment sufficient to process the data.

(e-10) A unit of local government, including a home rule unit, may not enact an ordinance prohibiting the use of Automated Driving System equipped vehicles on its roadways. Nothing in this subsection (e-10) shall affect the authority of a unit of local government to regulate Automated Driving System equipped vehicles for traffic control purposes. No unit of local government, including a home rule unit, may regulate Automated Driving System equipped vehicles in a manner inconsistent with this Code. For purposes of this subsection (e-10), "Automated Driving System equipped vehicle" means any vehicle equipped with an Automated Driving System of hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational domain. This subsection (e-10) is a limitation under subsection (j) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county designated in Section 11-208.6 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

(g) A municipality or county, as provided in Section 11-1201.1, may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1201 of this Code or a similar provision of a local ordinance and imposing liability on a registered owner of a vehicle used in such a violation.

(h) A municipality designated in Section 11-208.8 may enact an ordinance providing for an automated speed enforcement system to enforce violations of Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

(i) A municipality or county designated in Section 11-208.9 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1414 of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

#### Credits

P.A. 76-1586, § 11-208, eff. July 1, 1970. Amended by P.A. 81-176, § 1, eff. Jan. 1, 1980; P.A. 83-831, § 1, eff. Jan. 1, 1984; P.A. 83-1058, § 1, eff. July 1, 1984; P.A. 83-1110, § 2, eff. May 25, 1984; P.A. 83-1316, § 1, eff. Jan. 1, 1985; P.A. 83-1362, Art. II, § 99, eff. Sept. 11, 1984; P.A. 83-1528, Art. II, § 24, eff. Jan. 17, 1985; P.A. 85-532, § 1, eff. Jan. 1, 1988; P.A. 88-685, § 5, eff. Jan. 24, 1995; P.A. 90-106, § 5, eff. Jan. 1, 1998; P.A. 90-513, § 5, eff. Aug. 22, 1997; P.A. 90-655, § 153, eff. July 30, 1998; P.A. 91-519, § 5, eff. Jan. 1, 2000; P.A. 94-795, § 5, eff. May 22, 2006; P.A. 96-478, § 5, eff. Jan. 1, 2010; P.A. 96-1256, § 5, eff. Jan. 1, 2011; P.A. 97-29, § 5, eff. Jan. 1, 2012; P.A. 97-672, § 5, eff. July 1, 2012; P.A. 98-396, § 5, eff. Jan. 1, 2014; P.A. 98-556, § 5, eff. Jan. 1, 2014; P.A. 98-756, § 675, eff. July 16, 2014; P.A. 99-143, § 865, eff. July 27, 2015; P.A. 100-209,

**5/11-208. Powers of local authorities, IL ST CH 625 § 5/11-208**

§ 5, eff. Jan. 1, 2018; P.A. 100-257, § 5, eff. Aug. 22, 2017; P.A. 100-352, § 5, eff. June 1, 2018; P.A. 100-863, § 5-45, eff. Aug. 14, 2018; P.A. 101-123, § 5, eff. July 26, 2019.

Formerly Ill Rev Stat 1991, ch. 95 §. § 11-208

**625 I.L.C.S. 5/11-208, IL ST CH 625 § 5/11-208**

Current through P.A. 101-651. Some statute sections may be more current, see credits for details.

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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

ROBERT COMMACHO, JR., JAMES A. JONES, BURCE D. OLIVER, DAVID B. SPEER, JORGE URBINA

Plaintiff

vs

CITY OF JOLIET,  
an Illinois Municipal  
Corporation

CASE NO. 2021MR001420

Defendants

SUMMONS IN ADMINISTRATIVE REVIEW  
(Except Worker's Compensation)

To each defendant:

You are hereby summoned and required to file an answer in this case or otherwise file your appearance in the Office of the Clerk of this Court within thirty-five (35) days after service of this summons.

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

This summons is served upon you by certified mail pursuant to the provisions of the Administrative Review Law.



WITNESS 05/13/2021, 20

*Andrea Lynn Chasteen*  
(Clerk of the Circuit Court)

On 06/02/2021, 20, a copy of this summons was sent to each defendant's address by CERTIFIED MAIL DELIVERY as follows:

**DEFENDANT**  
CITY OF JOLIET

**ADDRESS**  
150 W. JEFFERSON STREET, JOLIET, IL 60432

ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY



DEFENDANT

ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



06/02/2021

20

(Date)

*Andrea Lynn Chasteen*  
\_\_\_\_\_  
(Clerk of the Circuit Court)

Attorney or Party, if not represented by an attorney

Name FRANK P. ANDREANO

ARDC # 06202756

Firm Name ANDREANO LAW Phone Call With Client

Attorney for PLAINTIFFS

Address 58 N. CHICAGO ST., STE. 509

City & Zip JOLIET, IL 60432

Telephone (815) 242-2000

E-Mail frank@iltrials.com

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's Attorney's facsimile machine is additionally required.)

**ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY**

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

ROBERT COMVACHO, JR., JAMES A. JONES, BURCE D. OLIVER, DAVID B. SPEER, JORGE URRINA

Plaintiff

VS

CITY OF JOLIET,  
an Illinois Municipal  
Corporation

CASE NO. 2021MR001420

Defendants

SUMMONS IN ADMINISTRATIVE REVIEW  
(Except Worker's Compensation)

To each defendant:

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E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

This summons is served upon you by certified mail pursuant to the provisions of the Administrative Review Law.



WITNESS 05/13/2021

*Andrea Lynn Chasteen*  
(Clerk of the Circuit Court)

CLERK OF THE CIRCUIT COURT  
WILL COUNTY, ILLINOIS

21 JUN -2 2021  
PH 2:49

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On 06/02/2021, 20\_\_\_\_\_, a copy of this summons was sent to each defendant's address by CERTIFIED MAIL DELIVERY as follows:

**DEFENDANT**

CITY OF JOLIET

**ADDRESS**

150 W. JEFFERSON STREET, JOLIET, IL 60432

ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY

DEFENDANT

ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



06/02/2021

20

(Date)

*Andrea Lynn Chasteen*  
(Clerk of the Circuit Court)

Attorney or Party, if not represented by an attorney

Name FRANK P. ANDREANO

ARDC # 06202756

Firm Name ANDREANO LAW Phone Call With Client

Attorney for PLAINTIFFS

Address 58 N. CHICAGO ST., STE. 509

City & Zip JOLIET, IL 60432

Telephone (815) 242-2000

E-Mail frank@iltrials.com

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's Attorney's facsimile machine is additionally required.)

**ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY**

42A (Part 2 of 2) Revised (02/19)

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JILL COUNTY, ILLINOIS

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**21MR001420**

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



**PROOF OF SERVICE**

The undersigned, a non-attorney, certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that she caused a copy of the foregoing ***Notice of Filing, Appearance, and Answer to Plaintiffs' Complaint for Administrative Review*** to be served by electronic mail on the 6<sup>th</sup> day of July 2021, to the party listed below.

Frank P. Andreano  
ANDREANO LAW PC  
FRANK@ILTRIALS.COM

  
Alexandra Wyss  
*Legal Assistant*

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF WILL )

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS**

ROBERT COMMACHO JR., )  
JAMES A. JONES, BRUCE D. OLIVER, )  
DAVID B. SPEER, JORGE URBINA, )

Plaintiffs, )

v. )

Case No. 21MR1420

CITY OF JOLIET, an Illinois Municipal )  
Corporation, )

Defendant. )

**APPEARANCE**

The undersigned attorney hereby enters his general appearance on behalf of the Defendant, **CITY OF JOLIET, an Illinois Municipal Corporation**, in Answer to the Complaint for Administrative Review pursuant to 735 ILCS 5/3-108(b) of the Code of Civil Procedure, and files herewith a certified copy of the entire record of public proceedings sought to be reviewed.

Respectfully submitted,

BY:   
Todd Lenzie

Todd Lenzie (#6288346)  
*Assistant Corporation Counsel*  
City of Joliet  
150 W. Jefferson St.  
Joliet, IL 60432  
(815)724-3800  
[tlenzie@joliet.gov](mailto:tlenzie@joliet.gov)  
[awyss@joliet.gov](mailto:awyss@joliet.gov)

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF WILL         )

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS**

ROBERT COMMACHO JR.,             )  
JAMES A. JONES, BRUCE D. OLIVER,   )  
DAVID B. SPEER, JORGE URBINA,        )

Plaintiffs,                     )  
  )

v.                                     )

Case No. 21MR1420

CITY OF JOLIET, an Illinois Municipal    )  
Corporation,                                 )

Defendant.                     )  
  )

**ANSWER TO PLAINTIFFS' COMPLAINT FOR ADMINISTRATIVE REVIEW**

NOW COMES the Defendant, CITY OF JOLIET, an Illinois Municipal Corporation, by and through its attorney, Todd Lenzie, Assistant Corporation Counsel, and for its Answer to Plaintiffs' Complaint for Administrative Review, states as follows:

**OPERATIVE FACTS**

1. The City of Joliet is known as the "Crossroads of Mid-America" in large part because two major Interstates, I-80 and I-55, cross within its borders. Joliet is also served by Illinois Route 53, a north-south throughfare and designated Illinois truck route.

**ANSWER:** The Defendant admits the allegations in paragraph one.

2. Joliet is also where major rail lines intersect and where a series of canals and locks, known as the Chicago Area Waterway System (CAWS), which connects Lake Michigan to the Illinois River, and ultimately to the Mississippi River and the Gulf of Mexico.

**ANSWER:** The Defendant admits the allegations in paragraph two.



3. Due in large part to logistical situs, Joliet was also the home to a large US Army Ammunitions Plant, which plant operated from WWII through the end of the Viet Nam War. A large part of these former federal lands have since been transferred to the Joliet Arsenal Development Authority (JADA), a body politic of the State of Illinois. (See 70 ILCS 508/15)

**ANSWER:** The Defendant admits the allegations in paragraph three.

4. The purpose of this transfer, and of JADA, is to spur economic development by selling these lands to industrial concerns for redevelopment into logistics parks and transport facilities. The sale and redevelopment of these lands has surpassed all expectations, causing traffic congestion and a great increase to commercial truck traffic in the Joliet area.

**ANSWER:** The Defendant admits the allegations in paragraph four.

5. This success has not, however, come without consequences. Rather, it has led to vocal opposition of any further expansion of these intermodals and the truck traffic attendant to these facilities. This opposition arises primarily from small communities and subdivisions which had been built along Illinois Rt. 53, in close proximity to these former federal lands, well before redevelopment occurred.

**ANSWER:** The Defendant admits the allegations in paragraph five.

6. The result of redevelopment for these small outcroppings of homes has been to turn a former bucolic area into one with laden with heavy industrial facilities and high volumes of commercial truck traffic.

**ANSWER:** The Defendant admits the allegations in paragraph six.

7. To address these legitimate citizen concerns, the City of Joliet has taken multiple steps.

**ANSWER:** The Defendant admits the allegations in paragraph seven.

8. The City of Joliet has adopted the Illinois Vehicle Code into its ordinances (Joi. Ord. § 19-1) 7 and has designated certain Joliet throughfares as approved Truck Routes (Joi. Ord. § 19-11 et. seq.) and has prohibited any trucks from operating on any nondesignated state or local roadways. (Joi. Ord. § 19-12)

**ANSWER:** The Defendant admits the allegations in paragraph eight but further states trucks may also obtain a permit.

9. Further, Joliet has posted multiple "No Trucks" signs along various arterial and residential streets which connect to Ill. Rt. 53. The City of Joliet has also created a "Truck Enforcement" division within its police department to monitor and enforce compliance with commercial trucking regulations.

**ANSWER:** The Defendant admits the allegations in paragraph nine.

10. The City has also adopted into its Ordinances penalties for the violation of its ordinances (Joliet Ord. § 19-25). Additionally, the City of Joliet has adopted an "Administrative Adjudication Code" (Joliet Ord. §3-1), including 625 ILCS 5/11-208.3, which allows for the adjudication of "[V]iolations of traffic regulations concerning the standing, parking, or condition of vehicles to the extent permitted by the Illinois Constitution." (Joliet Ord. §3-1(b))

**ANSWER:** The Defendant admits the allegations in paragraph ten.

11. All of the Defendants herein are commercial truck drivers who traveled upon posted "No Truck" routes, and upon non-designated throughfares within the City of Joliet, and who as a result were issued administrative compliance citations by the City of Joliet.

**ANSWER:** The Defendants admit the allegations in paragraph eleven.

12. Each of the Plaintiffs herein have been issued administrative compliance tickets for "Overweight on Non-Designated Highway" and "Overlength on Non-Designated Highway", alleging a violation of City of Joliet Ordinances.

**ANSWER:** The Defendants denies that the Plaintiffs have been issued administrative compliance tickets for "Overweight on Non-Designated Highway" and "Overlength on Non-Designated Highway" but further states that the Plaintiffs have been issued administrative compliance tickets for "Overweight on Non-Designated City Road" and "Over Maximum Length on Non-Designated City Street."

13. Each of these foregoing Plaintiffs challenged the jurisdiction of the City of Joliet to issue and adjudicate administrative compliance tickets.

**ANSWER:** The Defendant admits to allegation in paragraph thirteen.

**REQUEST FOR ADMINISTRATIVE REVIEW**  
**735 ILCS 5/3-101**

14. Attached hereto and incorporated hereto are the "Findings, Decisions and Order" of the Administrative Judge, entered April 13, 2021, adjudicating each Plaintiff liable for violation of the City of Joliet Ordinances relating to travel over non-designated routes. Specifically, the Administrative Hearing Officer adjudicated each guilty/liable for overweight and overlength, and on a non-designated City of Joliet Roadway.

**ANSWER:** The Defendant admits the allegation in paragraph fourteen.

15. The Plaintiffs herein raise only a legal challenge to the Hearing Officer's finding of guilt/liability. Specifically, the Plaintiffs assert that the administrative compliance citations issued to them are not subject to administrative adjudication, under the Illinois Vehicle Code (625 ILCS 5/11-208.3), Illinois Municipal Code (65 ILCS 5/1-2.1-2), nor the Ordinances of the City of Joliet. (Joliet Ord. §3-1(b))

**ANSWER:** The Defendant admits to the allegation in paragraph fifteen.

16. Plaintiffs further urge that the Citations are moving offenses, within the meaning of the Illinois Vehicle Code, and thus cannot form a basis for administrative compliance violations.

**ANSWER:** The Defendant denies the allegation in paragraph sixteen.

17. Accordingly, the Plaintiffs each prays that the fines levied against them be vacated, and that the administrative finding(s) of guilty/liability be held for naught, and that such compliance citations be dismissed.

**ANSWER:** The Defendant does not need to admit nor deny the allegation in paragraph seventeen is the Plaintiff's demand for relief.

18. The Plaintiffs further state that, upon information and belief, there are tape recordings of the proceedings. It is unknown if there are transcripts;

**ANSWER:** The Defendant admits the allegation in paragraph eighteen and further states that proceeding transcripts do not exist. The Defendant is filing an answer which consists of a certified copy of the recordings of the proceedings.

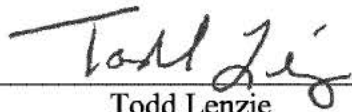
19. Plaintiffs further state that the City of Joliet is in possession of the official records of these proceedings, which the Plaintiffs request be filed with this Honorable Court;

**ANSWER:** The Defendant admits the allegation in paragraph nineteen and files an answer which consists of a certified copy of the recordings of the proceedings.

20. Plaintiffs further state that they entered into a factual stipulation with the City of Joliet with respect to the underlying facts, and that Plaintiffs do not believe a factual dispute exists. Rather, Plaintiffs view the dispute at hand as a matter of law.

**ANSWER:** The Defendant admits the allegation in paragraph twenty.

CITY OF JOLIET,  
an Illinois Municipal Corporation,

BY:   
\_\_\_\_\_  
Todd Lenzie

Todd Lenzie (#6288346)  
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### CERTIFICATE OF ACCURACY

Net Transcripts, Inc. certifies that the document produced from the audio file named 2020-09-22 Hearing Cut.mp3 submitted by City of Joliet - Legal Department on the 15th day of June, 2021 is a true and accurate transcription. The transcript was produced by Net Transcripts' employees and contractors to the best of their abilities and no intentional changes or redactions have been made.

Dated: June 22, 2021

A handwritten signature in black ink, appearing to read "Shane Mirkovich". The signature is written in a cursive style and is positioned above a horizontal line.

Shane Mirkovich, General Manager  
For Net Transcripts, Inc.

**INTERVIEW WITH JOHN CONNOR****Q=Victor Puscas****A=John Connor****A1=(Christopher Regis)**

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12  
13 Q: All right. So these are the - I guess the consolidated cases of, uh, (David  
14 Spear), (Roberto Camacho), (Bruce Oliver), (Sahil Chaudry), and (James  
15 Jones). Is that correct?  
16  
17 A: That's correct.  
18  
19 Q: All right. So, um, how 'bout if, um - it's your - it's your motion, right?  
20  
21 A: Correct.  
22  
23 Q: Okay. So, it - it - maybe we can start this by you identifying yourself, uh, and  
24 then, um - is there any other case law or anything other than what's in your  
25 motion that you intend to...  
26  
27 A: No. We're gonna...  
28  
29 Q: ...submit?  
30  
31 A: ...we're gonna stand on those. Yeah. On - on those motions...  
32  
33 Q: Okay.  
34  
35 A: ...Judge. Um...  
36  
37 Q: I'll set that aside for just a second then and, um - yeah, just identify yourself  
38 for the record and, uh - uh, you can go ahead.  
39  
40 A: Judge, John Connor, uh, C-O-N-N-O-R, on behalf of Andreano Law. Uh, on  
41 behalf of the defendants, and, um, it is our two motions that in each case only  
42 apply to the overweight tickets. Um, not to any other citations that, uh - that  
43 were issued. So...  
44  
45 Q: Okay. Was there anything you wanted to argue in addition to your motions?

46  
47 A: Judge, I don't believe so. I mean, it's - it's the Catom - uh, Catom Trucking  
48 case is - is pretty much the central case on the issue. We would argue, uh, that  
49 it applies here and, um, I - and then the, um - the motions to produce, uh,  
50 weight tickets. Kind of, ya know, following in terms of the - the same vein but  
51 obviously if - if Your Honor was to rule on the motion to dismiss on the  
52 jurisdictional issue that would solve the issue with (unintelligible).  
53

54 Q: It's an interesting question. I mean, I can tell you that I was overturned in  
55 Kane County on an insurance ticket, that a local municipality enforced and the  
56 judge, uh, on appeal said, "Well, there's already a state statute that addresses  
57 insurance" and - so the city was prohibited from doin' that. This is a little bit  
58 different, but, uh, I get the gist. All right, so, uh, any response?  
59

60 A1: Hi. Good morning, sir. Uh, (Christopher Regis) appears on behalf of the City  
61 of Joliet. So, there's a couple things here. With regard to the, um - we'll start  
62 with the jurisdictional issue. I guess - and the fact of the matter is that  
63 pursuant to state statute, and our home rule of authority the City of Joliet does  
64 have the jurisdiction to enforce, uh, the condition of vehicles. And part of the  
65 condition of vehicles, is their weight, or their size. Now, the, um, defendants'  
66 motion accurately cites the, uh - the Illinois Municipal code 65 (unintelligible)  
67 CS, 5/1-2.1-2. That statute says that, uh, in essence municipalities may adopt,  
68 um, an administrative hearing procedure like we have, but we may not enforce  
69 number one violations of the Illinois Vehicle Code, which we're not. We have  
70 our own ordinances that we are enforcing. And number two it says or similar  
71 regulations governing the movement of vehicles in traffic. This is not one of  
72 those cases. Once again, an overweight ticket governs the condition of the  
73 vehicle, which is specifically authorized by statute in the Illinois Vehicle  
74 Code. Uh, furthermore, I'm - I think, um - I think we know that additionally  
75 that, um, our signage and our ordinance does not regulate the actual weight of  
76 vehicles. It regulates the gross vehicle weight rating, which once again, is the  
77 size of the vehicle. The condition of the vehicle. So I know there's - on some  
78 of these motions they're asking to produce the weight ticket. Uh, we're not  
79 governing the weight. We're governing the size and condition of the vehicle,  
80 and furthermore we're not prosecuting it under the statute that talks about, uh,  
81 that we have produce the weight ticket. So that's why we don't have to do it.  
82 And, if you look at the Illinois Vehicle Code, in four different places in the  
83 Illinois Vehicle Code there is a specific grant of authority, to municipalities, to  
84 regulate certain things, and, once again 11-208, is cited in defendants' motion.  
85 Well Chapter 7 of that says that local municipalities can restrict the use of  
86 highways as authorized in Chapter 15. You go to Chapter 15 of the Illinois  
87 Vehicle Code, that says that municipalities can restrict the weight and size of  
88 vehicles on certain roadways - on municipal roadways. That's why the  
89 regulatory structure is valid. The City of Joliet does have jurisdiction to  
90 enforce those violations, and the - the weight ticket does not need to be



91 produced as we are not prosecuting it under that state statute that requires it.  
92 Are there any questions, sir?  
93  
94 Q: No. Thank you. That was, um...  
95  
96 A1: Thank you very much.  
97  
98 Q: ...very helpful. All right. Uh, so any I guess final word? It's your motion so...  
99  
100 A: Yes. Um, Judge again, uh, the - I - I can't cite beyond Catom and I - I believe  
101 Catom dealt with this specific issue, in, uh - in indicating that, um, Chicago -  
102 the City of Chicago was attempting to do exactly what the City of Joliet is  
103 doing here. Um, they were attempting to, uh, ya know, restrict the movement  
104 of traffic, um, based on weight. Um, and, counsel's correct. There is a grant of  
105 - of - of certain conditions involving the standing, parking, and condition of  
106 vehicles. However, uh, overweight on non-designated city road as - as it is  
107 indicated here is going to fall under that Catom Trucking umbrella. Um, and is  
108 not going to be permitted, um, even - and - and - and Catom addresses the  
109 issue of - of home rules well, um, ya know, within the decision itself, and  
110 determines that that still does not give, uh, the city the authority to regulate in  
111 - in this particular, um, manner. I - I think that case law is clear, Judge, um,  
112 and I - I don't think counsel cited anything that accurately takes, uh - takes  
113 out, um, the - this situation that the city finds itself in, um, out of the - the  
114 language from Catom Trucking which is, um, pretty specific, and, uh - and  
115 deals with this exact issue.  
116  
117 Q: Okay. Thanks.  
118  
119 A: Thank you.  
120  
121 Q: Well I'm - I'm, uh, not here all that often. I - I'm kind of a pinch hitter from  
122 time to time but, uh, I wanna read through the case law that you submitted. I  
123 wanna read through the statutes that you referenced. Um, so I guess what I'll  
124 do today is continue this at - at my, um, request, to a future date where I'll  
125 submit a decision. Neither one of ya have to be back for that day so, uh, it's  
126 sort of just a future date to force me to get some work done. But I appreciate  
127 the, uh, professionalism of your presentations and I'll make sure I give this the  
128 attention it deserves. All right? Thanks.  
129  
130 A: Thank you. Pick a date or...  
131  
132 Woman: (Unintelligible).  
133  
134 Q: October 20...  
135

136 Woman: Yeah. The 27th is one month so we could do - you don't want that one. We  
137 could do the, uh, October 13th? Is that (unintelligible)?  
138

139 Q: Okay. So I'll just go through all of - yeah. Um, let me see if I can close this  
140 out here. So October 13th at 9 o'clock?  
141

142 Woman: Um, (unintelligible). Yeah.  
143

144 Q: Yeah, that'll give me plenty of time. Okay, October 13th, 9 o'clock. Neither  
145 one of ya have to be back. Thanks.  
146

147 A: Thank you.  
148  
149

150 The transcript has been reviewed with the audio recording submitted and it is an accurate  
151 transcription.

152 Signed \_\_\_\_\_



## CERTIFICATE OF ACCURACY

Net Transcripts, Inc. certifies that the document produced from the audio file named 2021-03-23 Hearing Cut.mp3 submitted by City of Joliet - Legal Department on the 15th day of June, 2021 is a true and accurate transcription. The transcript was produced by Net Transcripts' employees and contractors to the best of their abilities and no intentional changes or redactions have been made.

Dated: June 22, 2021

A handwritten signature in black ink, appearing to read "Shane Mirkovich". The signature is written in a cursive style and is positioned above a horizontal line.

Shane Mirkovich, General Manager  
For Net Transcripts, Inc.

**INTERVIEW WITH FRANK ANDREANO****Q=Victor Puscas****A=Frank Andreano**

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11  
12 Q: Okay. So this is, um - we're sort of revisiting an issue that we talked about last  
13 September. This is the City of Joliet versus a number of defendants. (James  
14 Jones), (Roberto Camacho), (David Spear), (Bruce Oliver), and (Sahil)  
15 (unintelligible). Um, and your name, sir, for the record?  
16  
17 A: I'm sorry. Uh, Frank Andreano. I also had up today (Jorge Urbina)? Is that  
18 right?  
19  
20 Woman: Um, yes. That...  
21  
22 A: Okay.  
23  
24 Woman: ...is up to date (unintelligible).  
25  
26 A: Okay. And, Judge, what we had proposed to do -- and I will take blame for  
27 this -- is - is just - to just give you a factual stipulation instead of having the  
28 policemen come in and - and testify about what they saw and - and whether  
29 they were qualified and all of that - all of that kinda stuff. Because Mr. - Mr.  
30 (Regis) and I are in agreement as to the - the core facts and what we were -  
31 gonna suggest to do is - is circulate on each one a - a factual stipulation so that  
32 you would have facts in front of you agreed to by the parties that it was a non-  
33 designated route, that the officer was qualified, what he saw, and so forth. Uh,  
34 so that we could just bring that - that to a conclusion and then I could advise  
35 my clients whether they wanted to retain me to do something further on the  
36 case.  
37  
38 Q: Okay. So, um, do you - how do you wanna proceed today? Do you need time  
39 to do that?  
40  
41 A: What - what I was gonna suggest, Your Honor, is - is this. Is - is - if you  
42 wanted to give a - a - I can circulate and Mr., uh, (Regis) and I can execute the  
43 written stipulations.  
44  
45 Q: Right.

46  
47 A: We - should we send those to (Katie) then and she can forward them to you.  
48  
49 Q: Okay.  
50  
51 A: And then, you can render whatever ruling that you...  
52  
53 Q: Okay.  
54  
55 A: ...feel is appropriate under the circumstances.  
56  
57 Q: So, do I need to do orders on this end, or do you take care of that?  
58  
59 Woman: Um, I could do the orders. Is this something that you'd have within, like, two  
60 days?  
61  
62 A: Oh, yeah, I can have it.  
63  
64 Woman: So...  
65  
66 A: I'll - I'll have it to (Chris) by the end of today.  
67  
68 Woman: Okay, perfect. And you'll have your - and we'll be good? Okay. Um, yeah, so  
69 as long as I have the orders by, like, Thursday then I can put in the findings  
70 from today's date for him.  
71  
72 A: Perfect. That sounds like a plan.  
73  
74 Woman: So we don't have to continue it again.  
75  
76 A: Right. That - that'd be fine and I - I...  
77  
78 Q: Okay.  
79  
80 A: I did have one sample and what I'll do is just change the names and, uh, get  
81 the particular officers 'cause I think there was two officers or...  
82  
83 Q: Okay.  
84  
85 A: ...(unintelligible).  
86  
87 Q: So, for today's purposes we can just, as they say, take it under advisement...  
88  
89 Woman: Mm-hm.  
90

91 Q: ...and, uh, we'll render a decision when all the paperwork is submitted.  
92  
93 A: Fair enough. Thank you.  
94  
95 Q: Okay?  
96  
97 Woman: Yes. And then...  
98  
99 Q: Okay.  
100  
101 Woman: ...you already put the motion to dismiss on the record from September, right?  
102  
103 Q: Right.  
104  
105 Woman: Okay.  
106  
107 Q: We talked about that already.  
108  
109 Woman: Okay.  
110  
111 Q: Yeah. Okay.  
112  
113 A: All right. Thank you.  
114  
115  
116 The transcript has been reviewed with the audio recording submitted and it is an accurate  
117 transcription.  
118 Signed \_\_\_\_\_



### CERTIFICATE OF ACCURACY

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Dated: June 22, 2021

A handwritten signature in black ink, appearing to read "Shane Mirkovich". The signature is written in a cursive style and is positioned above a horizontal line.

Shane Mirkovich, General Manager  
For Net Transcripts, Inc.

**RECORDED ADMINISTRATIVE HEARING WITH FRANK ANDREANO****Q=Michael Knick****A=Woman**

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11  
12 Q: This is, uh, April 13th, um, and, um, you know, it - it - I'm - I'm gonna make  
13 the record here but I should point out right from the get-go that, um, uh, while  
14 these cases were pending, um, I had a number of cases with Mr. Andreano and  
15 therefore I had a conflict of interest with him, but, uh, I don't - I don't see any  
16 problem with making a record, um, uh, for these cases. So, all right. So, this  
17 is, uh, City of Joliet, um, versus, uh, Robert - Roberto Cammacho, James  
18 Jones, Bruce Oliver, uh, Jorge Ur- Urbina, and David Speer and these, uh,  
19 these case numbers, um, are listed on the findings decision and order. Um,  
20 and, uh, the, uh, order is from the hearing officer is that, uh, the City of Joliet  
21 sustained the - their burden of proof by a preponderance of evidence that the  
22 vehicles in question exceeded those weights. Um, and then, um, there is, uh,  
23 there are, uh, stip- stipulations by both sides as to, um, these cases. Um, but,  
24 uh, it is based on the stipulations that the findings were made by the hearing  
25 officer and these findings were made by a different, uh, hearing officer, um,  
26 and, uh, and, uh, I'm just making them of record at this time. Um...

27  
28 A: Mr. Andreano was present this morning.

29  
30 Q: And Mr. An- Mr. Andreano - okay, thank you. Thank you. And he agreed that  
31 it was okay for me to...

32  
33 A: Correct.

34  
35 Q: Okay. Very good. Thank you. I appreciate that. All right. So, and those are  
36 made of record.

37  
38  
39 The transcript has been reviewed with the audio recording submitted and it is an accurate  
40 transcription.

41 Signed \_\_\_\_\_



IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT  
WILL COUNTY, ILLINOIS

ROBERT COMMACHO JR.	)	
JAMES A. JONES, BRUCE D. OLIVER,	)	
DAVID B. SPEER, JORGE URBINA	)	
	)	
Plaintiffs,	)	
	)	Case No. 21MR1420
Versus	)	
	)	
CITY OF JOLIET, an Illinois Municipal	)	
Corporation,	)	
	)	
Defendant.	)	

**COURT ORDER**

THIS Matter coming on to be heard on Plaintiff's Complaint.. IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff is given 28 days (by September 28, 2021) to respond to Defendant's Answer to Plaintiff's Complaint;
2. Defendant is given 14 days (by October 12, 2021) to respond.
3. This matter is set for hearing on November 12, 2021 at 9:00 a.m.

Date: 8/31/2021

ENTER: 

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT  
WILL COUNTY, ILLINOIS

ROBERT COMMACHO JR. )  
JAMES A. JONES, BRUCE D. OLIVER, )  
DAVID B. SPEER, JORGE URBINA )  
 )  
Plaintiffs, )  
 ) Case No. 21 MR 1420  
Versus )  
 )  
CITY OF JOLIET, an Illinois Municipal )  
Corporation, )  
 )  
Defendant. )

**NOTICE OF FILING**

TO:

CITY OF JOLIET  
c/o Todd Lenzie,  
Assistant Corporation Counsel  
150 W. Jefferson Street  
JOLIET, IL 60432  
tlenzie@joliet.gov

PLEASE TAKE NOTICE that on the 5th day of OCTOBER, 2021, there were electronically filed with the Circuit Clerk of Will County, 14 W. Jefferson Street, Joliet Illinois, the attached **PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF COMPLAINT FOR ADMINISTRATIVE REVIEW.**

ANDREANO LAW PC  
Attorneys for Plaintiffs

BY: /S/ Frank P. Andreano  
**FRANK P. ANDREANO**

**PROOF OF SERVICE**

The undersigned states that he/she caused a true and correct copy of the above-referenced document to be served upon the above-named parties \_\_\_\_\_ by hand-delivery at their respective addresses; XXX sent via electronic mail to [ tlenzie@joliet.gov ]; \_\_\_\_\_ by placing same in the U.S. Mail at 58 N. Chicago Street, Joliet, Illinois, at or before 5:00 p.m. on 10/5/21, with proper prepaid postage.

/S/ Kris Zebell

Andreano Law, PC  
Frank P. Andreano #06202756  
58 N. Chicago Street, Ste. 509  
Joliet, Illinois 60432 / 815-242-2000  
frank@iltrials.com

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT  
WILL COUNTY, ILLINOIS

ROBERT COMMACHO JR.	)	
JAMES A. JONES, BRUCE D. OLIVER,	)	
DAVID B. SPEER, JORGE URBINA	)	
	)	
Plaintiffs,	)	
	)	Case No. 21 MR 1420
Versus	)	
	)	
CITY OF JOLIET, an Illinois Municipal	)	
Corporation,	)	
	)	
Defendant.	)	

**PLAINTIFFS’ MEMORANDUM OF LAW IN SUPPORT OF:**  
**COMPLAINT FOR ADMINISTRATIVE REVIEW**

Now Comes the Plaintiffs/Petitioners, ROBERT COMMACHO JR., JAMES A. JONES, BRUCE D. OLIVER, DAVID B. SPEER and JORGE URBINA, by and through their attorney, and for their Memorandum of Law, states as follows, viz:

**I. THE PARTIES**

Depending on whether the officer wrote the Plaintiff(s) one or two tickets, *i.e.* Notice of Ordinance Violation(s), the Plaintiffs were found liable and ordered to pay either \$800 or \$1350. (Ex. A) Plaintiffs, Robert Commacho Jr., James Jones, Bruce D. Oliver, were each fined \$750 by the City of Joliet for the offense of ‘Overweight on Non-Designated City Road’, with costs also assessed in the additional amount of \$50, for a total due of **\$800**. Plaintiffs David B. Speer and Jorge Urbina were fined \$750 by the City of Joliet for the offense of ‘Overweight on Non-Designated City Road’, with costs also assessed in the additional amount of \$50. Speer and Urbina were also fined \$500 ‘Over Maximum Length

on Non-Designated City Road' with costs also assessed in the additional amount of \$50, for a total due of \$1,350 each. The foregoing Plaintiffs have filed for administrative review, which is presently before this Court. (Ex. "B")

## II. INTRODUCTION

The Plaintiffs in this case are commercial truck drivers who drove semi-trucks and trailers upon City roadways, in violation of posted weight limit signs and upon non-designated City roadways, without applicable permits. The Plaintiffs urged the City lacked jurisdiction to administratively adjudicate these tickets (Ex. C), which was not successful. Plaintiffs now seek administrative review of compliance tickets by the City of Joliet, on which they (Plaintiffs) were adjudicated guilty/liable. (See Ex. "B") The parties stipulated to the operative facts (See Group Ex. "D") and a review of these stipulations and the City's *Answer* to Plaintiffs' present Complaint for Administrative Review (Ex. "B") reveals that the operative facts of the present dispute are not at issue. Rather, this is a legal dispute concerning the interpretation of the City of Joliet Ordinances and Illinois law. (See 735 ILCS 5/8-1001(Judicial notice of laws and ordinances is required)).

## III. STANDARD OF REVIEW

The standard of review on administrative review is *de novo* for issues of law, and deferential as to issues of fact. *Griffin v. Village of New Lenox Police Pension Fund*, 2021 IL App (3d) 190557, ¶ 19.

## IV. STATEMENT OF FACTS

The City of Joliet is a home-rule municipality located at the intersection of I-80 and I-55, and is the situs of an extremely high volume of semi-truck traffic. (Ex. B, Nos. 1-6) This large

volume of truck traffic is due, in large part, to the development of logistic parks upon large swath of land formerly owned by the U.S. Army, which land was formerly used as a munitions plant and depot. (Ex. B, Nos. 1-6) With the land being turned over to the State of Illinois for use as a logistics center, the area has become laden with industrial distribution centers, warehouses, rail yards, and portage facilities along the DePlaines River – which then connects to the Illinois River and ultimately the Mississippi River. *Id.* Whether the redevelopment of this land has been a ‘success’ is, like many things in life, in the eye of the beholder. Formerly bucolic farms and rural areas have become inundated with truck traffic, which has spawned opposition by those affected. (Ex. B, Nos. 4-7) In response, Joliet has posted ‘No Truck’ signs along various City streets and has attempted to restrict semi-trucks to certain routes. (Ex. B, Nos. 7-11) However, the City has established a permitting system where overweight/over-length vehicles wanting to traverse non-designated roadways can apply (Jol Ord. §19-22) and be granted a permit (Jol Ord. §19-23), so long as the successful applicant pay the applicable permit fee. (Jol Ord. §19-24)

Each of the Plaintiffs herein were stopped by members of the City of Joliet Police Department, trained in truck enforcement, because the officer(s) believed the Plaintiffs were operating semi-trucks and trailers in violation of City of Joliet Ordinances. (Exs. “D”) Accordingly, each Plaintiff was issued an “Ordinance Violation Notice” informing them of their violation (“Overweight on Non-Designated City Road” and/or “Over Maximum Length on Non-Designated City Street”) and that they (Plaintiffs) could either (1) pay the fine at issue or (2) appear at Joliet City Hall for a hearing on the violations. (Ex. B, Nos. 11-13) Each challenged the jurisdiction of the City to adjudicate such offenses, which objection was overruled and the Plaintiffs found liable, which has resulted in the present administrative appeal. *Id.*

## V. THE LEGAL DISPUTE

a. **The Offenses At Issue Are Beyond The Scope Of The Joliet Ordinance, As It Is The Weight Rating Of The Roadway And Not the “Condition” Of The Vehicle Which Is At Issue.**

Can the City of Joliet administratively adjudicate the offenses at issue? Specifically, the City of Joliet has adopted an ordinance<sup>1</sup>, known as the Joliet Administrative Adjudication Code (hereinafter “Code”), which is the starting point of the dispute at hand, viz:

“The city hereby adopts 625 ILCS 5/11-208.3, in its current form and as it may be amended from time to time for the adjudication of violations of traffic regulations concerning the **standing, parking, or condition of vehicles** to the extent permitted by the Illinois Constitution.” (Jol. Ord. §3-1(b), §3-3(3)(b))(emphasis added)

The Code contains a “Definitions” section (§3-3) under which a “Code Violation” is defined, in pertinent part, as “Violations of traffic regulations concerning the standing, parking, or condition of vehicles (625 ILCS 5/11-208.3);” (Jol Ord. §3-3(3)(b)) The Plaintiff urge that the tickets they were issued fall outside of the purview of this ordinance.

The City has various ordinances regarding ‘parking’ (Jol. Ord. §19, Article II) which include the angle of parking (Jol. Ord. §19-137) and the length of parking (Jol. Ord. §19-138) and multiple others. (Jol. Ord. §19, Article II) There is simply no way to assert that the Plaintiffs were parking and fit nowhere within Article II. (*See also* Jol. Ord. §19 Art II) Nor, can they be said to have been “standing”, as a moving object is not ‘standing’. Accordingly, the Court is left with whether the offenses at issue fall within a ‘condition’ of the vehicle. The City ordinances prohibit the storage of “abandoned or inoperable vehicle(s)” (Joliet Ord. §19-233) and grants

<sup>1</sup> [https://library.municode.com/il/joliet/codes/code\\_of\\_ordinances](https://library.municode.com/il/joliet/codes/code_of_ordinances)

authorized City employees the right to “[E]nter upon public or private property at all reasonable hours for the purpose of inspecting vehicles reasonably believed to be in violation of this division.” (Joliet Ord. §19-234) Joliet Ordinances allow for the City to impound vehicles in accord with 625 ILCS 5/4-203 (Abandoned, wrecked, unattended vehicles), and for a hearing on such violations. (Joliet Ord. §19-236)

The City of Joliet has also adopted the Illinois Vehicle Code (Jol. Ord. §19-1), which makes it unlawful to disobey any duly posted traffic control device, or any duly enacted traffic law. (625 ILCS 5/11-202, 11-305) The Illinois Vehicle Code also makes it illegal for any person to drive or move “[O]n any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this Chapter 12.” (625 ILCS 5/12-101) Such requirements include, among many others, ‘headlights discernible at a distance of 1000 feet’, for example. (625 ILCS 5/12-201(b)) The issue at bar was not that the equipment or condition of the vehicles were non-compliant. Rather, it is the fact that the Plaintiffs were driving upon a weight restricted roadway, bringing them out of conformance with posted weight restrictions and Joliet’s requirement that trucks of a certain weight and dimension traverse only certain designated routes – unless a permit has been issued. (See Jol. Ord. Nos. 19-22, 19-23) Thus, it is not the ‘*condition of the vehicle*’ which is at issue. Rather, it is the fact the Plaintiffs engaged in a prohibited movement, akin to driving the wrong way on a one-way street, which is at issue. As it is the movement of traffic and not the condition of the vehicle which is at issue, the offenses charged are not within the purview of the City’s Code concerning administrative adjudications.

**b. Joliet Is Not Permitted To Administratively Adjudicate The Traffic Offenses At Issue.**

Respectfully, the hearing officer misread and misapplied *Catom Trucking Inc. vs. City of Chicago*, 2011 IL App (1<sup>st</sup>) 101146 (2011) and Illinois law. (Ex. A) In *Catom Trucking* the court addressed a similar (but not identical) dispute to the one at bar. In Count I of its complaint the plaintiff (Catom Trucking) sought a declaration that the City of Chicago could not administratively adjudicate size and weight restrictions. (*Catom Trucking*, ¶ 1, 4, 11) The trial court and appellate court agreed with plaintiff on this point. (*Catom Trucking*, ¶ 11-14) The sticking point between the parties in *Catom* was the wording of Section 5/6-204 of the Illinois Vehicle Code and Section 5/1-2.1-2 of the Illinois Municipal Code. (625 ILCS 5/6-204, 65 ILCS 5/1-2.1-2. The Plaintiff in *Catom* did not dispute that the offenses at issue were “not reportable under Section 2-604” of the Illinois Vehicle Code.<sup>2</sup> (*Catom Trucking*, ¶ 11) Accordingly, the City of Chicago urged, the City could administratively adjudicate the offenses. The Appellate Court, however, disagreed based upon the wording of Section 5/1-2.1-2 of the Illinois Municipal Code. (*Catom Trucking*, ¶ 15) The appellate court rejected the reading suggested by the City of Chicago. *Id.* Chicago suggested that statute allowed for administrative adjudication of moving offenses *except for* those which are not reportable to the Illinois Secretary of State. *Id.* The appellate court ruled, however, that the proper reading is that a municipality may not administratively adjudicate offenses under the Vehicle Code relating to the movement of vehicles, or similar offenses, ‘*as well as*’ any offense reportable under Section 5/6-204 of the

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<sup>2</sup> The Plaintiff in *Catom* was incorrect to make such concession. As discussed *infra*, such are ‘reportable’ under section 2-604, because a different reporting regime exists for commercial motor vehicles and CDL drivers.



Vehicle Code. (*Catom Trucking*, ¶ 15) Thus, the City's 'except for' reading of the statute was rejected in favor of a 'as well as' reading. *Id.*

In the case at bar the hearing officer ruled that "*Catom* stands for the proposition that 'moving offenses' cannot be administratively adjudicated, but the overweight tickets here are not 'moving offenses.'" (Ex. A) There is a difference between offenses categorized as 'moving offenses' for the purpose of reporting to the Illinois Secretary of State pursuant to Section 5/204, and offenses involving the '*movements of vehicles*' within Section 5/1-2.1-2. Respectfully, the hearing officer's interpretation of *Catom* is simply wrong and contrary to the *Catom*'s holding. *Catom* explains in great detail the basis of its ruling, and that Section 15-111 of the Illinois Vehicle Code prohibits the 'operation' of a vehicle upon any street or highway over a certain weight. (625 ILCS 5/15-111) The City of Joliet has also adopted the Illinois Vehicle Code (Jol. Ord. 19-1) and prohibitions on weights and length are part of the Vehicle Code which the City has adopted. (625 ILCS 5/15-111, 5/15-107)

Most importantly, there is no weight or length prohibition which has been placed upon a lawfully parked and stationary vehicle. Rather, it is the movement of such that is prohibited. (See 625 ILCS 5/15-101(a): "It is unlawful for any person to *drive or move on*, upon or across or for the owner to cause or knowingly permit to be *driven or moved on*, upon or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this Chapter or otherwise in violation of this Chapter.") (emphasis added) Thus, the shopkeeper in need of extra space may store, load, and unload product from a parked trailer. It is only if the shopkeeper drives over the roadways that he or she faces danger.

Further, just like the City of Chicago, the City of Joliet has adopted the Illinois Vehicle Code into its ordinances (Jol. Ord. 19-1) as well as specific regulations setting for the penalties

for any person “Who violates, disobeys, omits, neglects or refuses to comply with this division *operating a vehicle* with a gross weight in excess of the maximum weight limits or in excess of special weight limits provided for by ordinance and signposted, without having first obtained an *overweight permit* from the city manager or designee, shall be subject to the penalties as provided in section 1-8 of this Code for each offense..” (Joliet Ord. 19-25(b))(Emphasis added). And as noted above, the ordinances at issue proscribe *operation*. The ordinances further allow for a special permit granting the holder the right to *operate* upon city roadways in a non-conforming size and/or weight. (Jol. Ord. 19-23-24) The ‘*operation*’ in violation of the established weights, or permitted weights, carries hefty penalties. (Jol. Ord. 19-25) Thus, to urge that the foregoing does not involve the ‘*movements of vehicles*’ within the meaning of Section 5/1-2.1-2 of the Illinois Municipal Code is simply not well taken.

The hearing officer’s ruling contains two additional errors. First, the hearing officer noted that Section 5/11-208(7) grants local authorities the right to restrict use of highways. (625 ILCS 5/11-208(7)) This of course is correct, but it does not mean that such violations can be administratively adjudicated. Section 5/11-208 also allows a municipality to designate one-way streets, alter speed limits, prohibit U-turns. *Id.* The fact that a municipality can enact such laws does not mean they can be administratively adjudicated. Next, the hearing officer incorrectly held that the offenses at issue are not reportable under Section 5/6-204 of the Vehicle Code. Section 5/6-204 specifically provides, in pertinent part, as follows:

“The reporting requirements of this subsection (a) apply to **all** violations listed in paragraphs (1) and (2) of this subsection (a), excluding parking violations, when the driver holds a CLP or CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.”

625 ILCS 5/6-204 (emphasis added)

The Illinois General Assembly has mandated reporting (excluding parking offenses) because federal law conditions receipt of apportioned highway funds upon certain reporting requisites. (See 49 USC § 31311(a)(9), (18), (19); see also 49 CFR § 384.209) States not in compliance can have their funds withheld. (49 CFR § 384.401) Reporting the violations of commercial drivers is mandated because Congress created the Federal Motor Carrier Safety Administration (FMCSR) and charged the agency with making safety its ‘highest priority’. (49 USC § 113(b)) As part of this mandate a Commercial Driver’s License Information System (CDLIS) has been created (49 CFR § 384.105(b)) which reporting system collects and categorizes all violations of commercial drivers and commercial vehicles. (See 49 CFR § 384.101 *et. seq.*) The foregoing is really not relevant the question at hand, as the reasons why the Illinois General Assembly included a different reporting regime for commercial drivers and vehicles in Section 5/6-204 is not at issue. However, except for parking violations, there is no such thing as a ‘non-reporting’ offense for CDL holders or for violations committed in commercial motor vehicles. Thus, even if one accepts the hearing officer’s reading of *Catom Trucking*, the offenses at issue are, in fact ‘moving violations’ because both federal and state law requires such be reported.

WHEREFORE, based on the foregoing, the Plaintiffs pray that the judgment of liability entered herein be reversed, and for all such other and further relief this Court deem proper, just and fit.

ROBERT COMMACHO JR.,  
 JAMES A. JONES,  
 BRUCE D. OLIVER,  
 DAVID B. SPEER and JORGE URBINA

By: Frank Andreano  
 Attorney for Plaintiffs

Attorney Frank P. Andreano  
ANDREANO LAW PC  
*Attorney for the Plaintiffs*  
58 N. Chicago Street, Suite 509  
Joliet, Illinois 60432  
Telephone: (815) 242-2000  
FRANK@ILTRIALS.COM

**APPENDIX OF EXHIBITS**

A. Administrative Ruling(s)

B. Joliet Answer to Complaint for Administrative Review

C. Motion to Dismiss

D. Stipulations

# EXHIBIT "A"



MUNICIPAL CODE VIOLATION CITATION  
CITY OF JOLIET  
CODE HEARING DIVISION

City of Joliet, )  
a municipal corporation, )  
Petitioner, )  
)  
vs. )  
)  
JAMES JONES, ROBERTO )  
CAMACHO, DAVID SPEER, BRUCE )  
OLIVER, SAHIL CHOUDHARY )  
Respondent. )

Gen. Nos.: C1313-000144  
C1313-00166  
C6130-000733-234  
C9235-001245  
C9235-001362

FINDINGS, DECISION AND ORDER

This matter comes before the Administrative Hearing Officer pursuant to certain Complaints for violations of the City's Code of Ordinances alleging that the Respondent(s), committed one or more of the following:

- 19-21 Weight Restrictions
- 19-19 Length Restrictions

The Respondents, through their attorneys, filed separate motions to dismiss for lack of jurisdiction, and to produce weigh tickets. Both counsel had an opportunity to explain their relative positions at a hearing on September 22, 2020. Counsel for the Respondent submitted pleadings which referenced certain case law. Counsel for the Petitioner relied on the complaints and enabling statutes in support of their position. The matter was taken under advisement to research the relevant case law, statutes, and ordinances.

The facts, generally, do not seem to be in dispute. The five (5) defendants received overweight tickets on separate dates. The matters have been consolidated for judicial economy. Counsel for the defendants referred to 65 ILCS 5/1-2.1-2, 625 ILCS 5/1-208.3, 625 ILCS 5/15-316(c) and *Catom Trucking v. City of Chicago* in support of his position that the City of Joliet does not have the authority to govern the movement of overweight traffic since there is already a state statute on point. All have been attached for ease of reference.

65 ILCS 5/1-2.1-2 governs the authority of a municipality to provide for administrative adjudication of municipal codes. 625 ILCS 5/1-208.3 governs the administrative adjudication of violations of traffic regulations. 625 ILCS 5/15-316(c) governs when a local authority may restrict rights to use highways. *Catom Trucking v. City of Chicago* held that home rule units possess the same powers as the state government to create laws, except where specifically limited by the General Assembly. It went on to talk about how statutes may prohibit administrative adjudication of "any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles as well as any reportable offense under Section 6-204 of the Illinois Vehicle Code."

Section 6-204 of the Illinois Vehicle Code concerns when courts must report offenses to the Secretary of State. The Joliet ordinances in question are not reportable offenses. *Catom* stands for the proposition that "moving offenses" cannot be administratively adjudicated, but the overweight tickets herein are not "moving offenses."

Furthermore, under Article VII, Section 6 of the Illinois Constitution, home rule units of local government may enact regulations when the state has not specifically declared its exercise to be exclusive. Joliet is a home rule unit, so they have the authority to enforce conditions of vehicles regarding weight and size upon their roadways. Because they are not enforcing actual weight, but only the vehicle's rating, there is no need to produce a weigh ticket. Finally, counsel for the City refers to 625 ILCS 11-208 (7) in support of its position. This statute specifically gives local authorities the power to restrict the use of highways as authorized in the overweight statute. As a result, it cannot be said that Illinois has declared its exercise of overweight enforcement to be exclusive. For all of the foregoing, the Defendant's motion to produce a weigh ticket is denied, and the motion to dismiss for lack of jurisdiction is denied.

**NOTICE**

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection. Any vehicle impounded will be subject to being disposed of as an unclaimed vehicle after 30 days from the date of this decision.

**CERTIFICATE OF SERVICE**

I certify that copies of this decision and order were sent to the indicated parties at the last known address(es) by first class mail with proper postage prepaid on: \_\_\_\_\_, or, given to the indicated parties personally at hearing on \_\_\_\_\_.

Date 9/24/20

Hearing Officer \_\_\_\_\_



Andrea Lynn Chasteen  
Will County Circuit Clerk  
Twelfth Judicial Circuit Court  
Electronically Filed  
2021MR001420  
Filed Date: 5/13/2021 3:57 PM  
Envelope: 13503391  
Clerk: JH

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

ROBERTO JR CAMACHO  
11433 ERNEST RD  
SOCORRO, TX 79927

April 13, 2021



Citation #: C1313-000166 Plate: R450447  
Vehicle Make: INTERNATIONAL  
Violation Date: 07/08/2020 01:13 PM  
Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
<b>Addendum Note:</b> RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
	JUDGMENT TOTAL: \$750.00	PAID: \$0.00
	COURT COST: \$50.00	BALANCE DUE \$800.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

- To pay online, please visit: [www.joliet.gov/paymyticket](http://www.joliet.gov/paymyticket) or to pay by phone, please call 815-724-3820 8:00am-4:30pm M-F
- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
- To pay in person, please visit Joliet City Hall, Customer Service Dept, at the address listed above, M-F 8:00 AM - 4:30 PM. A drop box is located outside.

Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.


Payment made between May 09, 2021 and Jun 03, 2021:	\$850.00
Payment made on or after Jun 04, 2021:	\$950.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

  
Victor Pucas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

JAMES A JONES  
1306 CARROLL AVE  
TEXARKANA, TX 75501

Respondent,

April 13, 2021



Citation #: C1313-000144      Plate: 2832660  
Vehicle Make: PETERBILT  
Violation Date: 05/29/2020 03:02 PM  
Violation Location: MILLSDALE / BRIDGE

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondant's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
	JUDGMENT TOTAL: \$750.00	PAID: \$0.00
	COURT COST: \$50.00	BALANCE DUE \$800.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

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- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
- To pay in person, please visit Joliet City Hall, Customer Service Dept, at the address listed above, M-F 8:00 AM - 4:30 PM. A drop box is located outside.

Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 09, 2021 and Jun 03, 2021:	\$850.00
Payment made on or after Jun 04, 2021:	\$950.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

**CITY OF JOLIET**  
 150 W Jefferson St.  
 Joliet IL 60432

**CITY OF JOLIET, An Illinois Municipal Corporation**

Petitioner,

v.

**BRUCE D OLIVER**  
 5535 SILVERDALE AVE  
 JACKSONVILLE, FL 32209

April 13, 2021



Citation #: C9235-001245      Plate: P742171  
 Vehicle Make: FREIGHTLINER  
 Violation Date: 08/15/2020 11:27 AM  
 Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Findings/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
	JUDGMENT TOTAL: \$750.00	PAID: \$0.00
	COURT COST: \$50.00	BALANCE DUE \$800.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

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- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
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Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 09, 2021 and Jun 03, 2021:	\$850.00
Payment made on or after Jun 04, 2021:	\$950.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

  
 Victor Puscas  
 Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

DAVID B SPEER  
389 FOSTERVILLE RD  
GREENSBURG, PA 15601

April 13, 2021



Citation #: C6130-080733 Plate: 2720026  
Vehicle Make: INTERNATIONAL  
Violation Date: 02/06/2020 12:04 PM  
Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Findings/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR FUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. FUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
JUDGMENT TOTAL:	\$750.00	PAID: \$0.00
COURT COST:	\$50.00	BALANCE DUE \$800.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

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- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
- To pay in person, please visit Joliet City Hall, Customer Service Dept, at the address listed above, M-F 8:00 AM - 4:30 PM. A drop box is located outside.

Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 08, 2021 and Jun 03, 2021:	\$650.00
Payment made on or after Jun 04, 2021:	\$850.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

  
Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

DAVID B SPEER  
369 FOSTERVILLE RD  
GREENSBURG, PA 15601

April 13, 2021



Citation #: C6130-000734 Plate: 2720026  
Vehicle Make: INTERNATIONAL  
Violation Date: 02/06/2020 12:04 PM  
Violation Location: MILLSDALE / BRIDGE

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-19 OVER MAXIMUM LENGTH ON NON-DESIGNATED CITY STREET	Upheld (Liable)	\$500.00
<i>Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE &amp; HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).</i>		
	JUDGMENT TOTAL: \$500.00	PAID: \$0.00
	COURT COST: \$50.00	BALANCE DUE \$550.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

- To pay online, please visit: [www.joliet.gov/paymticket](http://www.joliet.gov/paymticket) or to pay by phone, please call 815-724-3820 8:00am-4:30pm M-F
- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
- To pay in person, please visit Joliet City Hall, Customer Service Dept, at the address listed above, M-F 8:00 AM - 4:30 PM. A drop box is located outside.

Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 09, 2021 and Jun 03, 2021:	\$600.00
Payment made on or after Jun 04, 2021:	\$700.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

JORGE URBINA  
6023 WALLACE RD  
HAMMOND, IN 46320

April 13, 2021



Citation #: C9235-001517      Plate: P801265  
Vehicle Make: INTERNATIONAL  
Violation Date: 10/13/2020 09:33 AM  
Violation Location: HICKORY / ONEIDA

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-21 OVERWEIGHT ON NON-DESIGNATED CITY ROAD	Upheld (Liable)	\$750.00
<b>Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE &amp; HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).</b>		
	<b>JUDGMENT TOTAL: \$750.00</b>	<b>PAID: \$0.00</b>
	<b>COURT COST: \$50.00</b>	<b>BALANCE DUE \$800.00</b>

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

- To pay online, please visit: [www.joliet.gov/paymticket](http://www.joliet.gov/paymticket) or to pay by phone, please call 815-724-3820 8:00am-4:30pm M-F
- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
- To pay in person, please visit Joliet City Hall, Customer Service Dept, at the address listed above, M-F 8:00 AM - 4:30 PM. A drop box is located outside.

Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 09, 2021 and Jun 03, 2021:	\$850.00
Payment made on or after Jun 04, 2021:	\$950.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

CITY OF JOLIET  
150 W Jefferson St.  
Joliet IL 60432

CITY OF JOLIET, An Illinois Municipal Corporation

Petitioner,

v.

JORGE URBINA  
6023 WALLACE RD  
HAMMOND, IN 46320

April 13, 2021



Citation #: C9235-001518      Plate: P801265  
Vehicle Make: INTERNATIONAL  
Violation Date: 10/13/2020 09:33 AM  
Violation Location: HICKORY / ONEIDA

Respondent,

**FINDINGS, DECISIONS AND ORDER**

This matter coming on for hearing to determine the Respondent's liability for the violation notice, this administrative tribunal having jurisdiction over the parties and subject matter, due notice having been given, and the Hearing Officer having reviewed the evidence presented and otherwise being fully advised in the premises, IT IS ORDERED as follows:

<u>Violation</u>	<u>Finding/Reason</u>	<u>Fines</u>
19-19	Upheld (Liable)	\$500.00
OVER MAXIMUM LENGTH ON NON-DESIGNATED CITY STREET		
Addendum Note: RESPONDENT IS REPRESENTED BY ATTORNEY FRANK ANDREANO. STIPULATED HEARING WAS HELD AND CONCLUDED ON 3/23/2021 BEFORE HEARING OFFICER, VICTOR PUSCAS. MATTER WAS TAKEN UNDER ADVISEMENT AND CONTINUED FOR DECISION. MR. PUSCAS' WRITTEN DECISION RECEIVED ON 3/31/21 IS READ INTO THE RECORD THIS DATE & HEREBY ENTERED NUNC PRO TUNC. RULING IS MADE IN FAVOR OF THE CITY OF JOLIET. RESPONDENT IS FOUND LIABLE FOR THE VIOLATION(S).		
	JUDGMENT TOTAL: \$500.00	PAID: \$0.00
	COURT COST: \$50.00	BALANCE DUE \$550.00

The fines and penalties contained in this order are a debt due and owing to the City of Joliet and said total of fines and penalties must be paid. Payment of fines and penalties operates as a final disposition of the violation.

- To pay online, please visit: [www.joliet.gov/paymyticket](http://www.joliet.gov/paymyticket) or to pay by phone, please call 815-724-3820 8:00am-4:30pm M-F
- To pay by mail, mail the violation with a check or money order payable to the "City of Joliet". Mail to: City of Joliet, Attn: Customer Service Dept, 150 W Jefferson St, Joliet, IL 60432. Please include the citation number on the check or money order.
- To pay in person, please visit Joliet City Hall, Customer Service Dept, at the address listed above, M-F 8:00 AM - 4:30 PM. A drop box is located outside.

Failing to pay the indicated within 25 days of a determination of liability shall result in the imposition of a late payment penalty. Failing to pay the indicated within 50 days of said determination of liability shall result in the imposition of additional increased late payment penalties.

Payment made between May 09, 2021 and Jun 03, 2021:	\$600.00
Payment made on or after Jun 04, 2021:	\$700.00

The City of Joliet may use all lawful means of collecting this judgment including, but not limited to, booting and/or impoundment of your vehicle and/or suspension of your driving privileges (for vehicle related offenses)

Please contact the Joliet Legal Department at (815) 724-3794 if you have any questions regarding this notice.

This administrative order is authorized by City of Joliet ordinance and State of Illinois statute. You have the right to appeal this decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq., by filing a proper lawsuit against the City of Joliet and other necessary parties within 35 days of a final order. If you fail to pay fines, the City may proceed to collection.

ENTERED: April 13, 2021

Victor Puscas  
Administrative Hearing Officer

# EXHIBIT "B"





3. Due in large part to logistical situs, Joliet was also the home to a large US Army Ammunitions Plant, which plant operated from WWII through the end of the Viet Nam War. A large part of these former federal lands have since been transferred to the Joliet Arsenal Development Authority (JADA), a body politic of the State of Illinois. (See 70 ILCS 508/15)

**ANSWER:** The Defendant admits the allegations in paragraph three.

4. The purpose of this transfer, and of JADA, is to spur economic development by selling these lands to industrial concerns for redevelopment into logistics parks and transport facilities. The sale and redevelopment of these lands has surpassed all expectations, causing traffic congestion and a great increase to commercial truck traffic in the Joliet area.

**ANSWER:** The Defendant admits the allegations in paragraph four.

5. This success has not, however, come without consequences. Rather, it has led to vocal opposition of any further expansion of these intermodals and the truck traffic attendant to these facilities. This opposition arises primarily from small communities and subdivisions which had been built along Illinois Rt. 53, in close proximity to these former federal lands, well before redevelopment occurred.

**ANSWER:** The Defendant admits the allegations in paragraph five.

6. The result of redevelopment for these small outcroppings of homes has been to turn a former bucolic area into one with laden with heavy industrial facilities and high volumes of commercial truck traffic.

**ANSWER:** The Defendant admits the allegations in paragraph six.

7. To address these legitimate citizen concerns, the City of Joliet has taken multiple steps.

**ANSWER:** The Defendant admits the allegations in paragraph seven.

8. The City of Joliet has adopted the Illinois Vehicle Code into its ordinances (Joi. Ord. § 19-1) 7 and has designated certain Joliet throughfares as approved Truck Routes (Joi. Ord. § 19-11 et. seq.) and has prohibited any trucks from operating on any nondesignated state or local roadways. (Joi. Ord. § 19-12)

**ANSWER:** The Defendant admits the allegations in paragraph eight but further states trucks may also obtain a permit.

9. Further, Joliet has posted multiple "No Trucks" signs along various arterial and residential streets which connect to Ill. Rt. 53. The City of Joliet has also created a "Truck Enforcement" division within its police department to monitor and enforce compliance with commercial trucking regulations.

**ANSWER:** The Defendant admits the allegations in paragraph nine.

10. The City has also adopted into its Ordinances penalties for the violation of its ordinances (Joliet Ord. § 19-25). Additionally, the City of Joliet has adopted an "Administrative Adjudication Code" (Joliet Ord. §3-1), including 625 ILCS 5/11-208.3, which allows for the adjudication of "[V]iolations of traffic regulations concerning the standing, parking, or condition of vehicles to the extent permitted by the Illinois Constitution." (Joliet Ord. §3-1(b))

**ANSWER:** The Defendant admits the allegations in paragraph ten.

11. All of the Defendants herein are commercial truck drivers who traveled upon posted "No Truck" routes, and upon non-designated throughfares within the City of Joliet, and who as a result were issued administrative compliance citations by the City of Joliet.

**ANSWER:** The Defendants admit the allegations in paragraph eleven.

12. Each of the Plaintiffs herein have been issued administrative compliance tickets for "Overweight on Non-Designated Highway" and "Overlength on Non-Designated Highway", alleging a violation of City of Joliet Ordinances.

**ANSWER:** The Defendants denies that the Plaintiffs have been issued administrative compliance tickets for "Overweight on Non-Designated Highway" and "Overlength on Non-Designated Highway" but further states that the Plaintiffs have been issued administrative compliance tickets for "Overweight on Non-Designated City Road" and "Over Maximum Length on Non-Designated City Street."

13. Each of these foregoing Plaintiffs challenged the jurisdiction of the City of Joliet to issue and adjudicate administrative compliance tickets.

**ANSWER:** The Defendant admits to allegation in paragraph thirteen.

**REQUEST FOR ADMINISTRATIVE REVIEW**  
**735 ILCS 5/3-101**

14. Attached hereto and incorporated hereto are the "Findings, Decisions and Order" of the Administrative Judge, entered April 13, 2021, adjudicating each Plaintiff liable for violation of the City of Joliet Ordinances relating to travel over non-designated routes. Specifically, the Administrative Hearing Officer adjudicated each guilty/liable for overweight and overlength, and on a non-designated City of Joliet Roadway.

**ANSWER:** The Defendant admits the allegation in paragraph fourteen.

15. The Plaintiffs herein raise only a legal challenge to the Hearing Officer's finding of guilt/liability. Specifically, the Plaintiffs assert that the administrative compliance citations issued to them are not subject to administrative adjudication, under the Illinois Vehicle Code (625 ILCS 5/11-208.3), Illinois Municipal Code (65 ILCS 5/1-2.1-2), nor the Ordinances of the City of Joliet. (Joliet Ord. §3-1(b))

**ANSWER:** The Defendant admits to the allegation in paragraph fifteen.

16. Plaintiffs further urge that the Citations are moving offenses, within the meaning of the Illinois Vehicle Code, and thus cannot form a basis for administrative compliance violations.

**ANSWER:** The Defendant denies the allegation in paragraph sixteen.

17. Accordingly, the Plaintiffs each prays that the fines levied against them be vacated, and that the administrative finding(s) of guilty/liability be held for naught, and that such compliance citations be dismissed.

**ANSWER:** The Defendant does not need to admit nor deny the allegation in paragraph seventeen is the Plaintiff's demand for relief.

18. The Plaintiffs further state that, upon information and belief, there are tape recordings of the proceedings. It is unknown if there are transcripts;

**ANSWER:** The Defendant admits the allegation in paragraph eighteen and further states that proceeding transcripts do not exist. The Defendant is filing an answer which consists of a certified copy of the recordings of the proceedings.

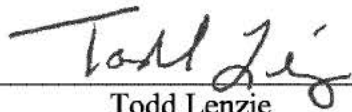
19. Plaintiffs further state that the City of Joliet is in possession of the official records of these proceedings, which the Plaintiffs request be filed with this Honorable Court;

**ANSWER:** The Defendant admits the allegation in paragraph nineteen and files an answer which consists of a certified copy of the recordings of the proceedings.

20. Plaintiffs further state that they entered into a factual stipulation with the City of Joliet with respect to the underlying facts, and that Plaintiffs do not believe a factual dispute exists. Rather, Plaintiffs view the dispute at hand as a matter of law.

**ANSWER:** The Defendant admits the allegation in paragraph twenty.

CITY OF JOLIET,  
an Illinois Municipal Corporation,

BY:   
\_\_\_\_\_  
Todd Lenzie

Todd Lenzie (#6288346)  
*Assistant Corporation Counsel*  
City of Joliet  
150 W. Jefferson St.  
Joliet, IL 60432  
(815)724-3800  
[tlenzie@joliet.gov](mailto:tlenzie@joliet.gov)  
[awyss@joliet.gov](mailto:awyss@joliet.gov)

# EXHIBIT "C"



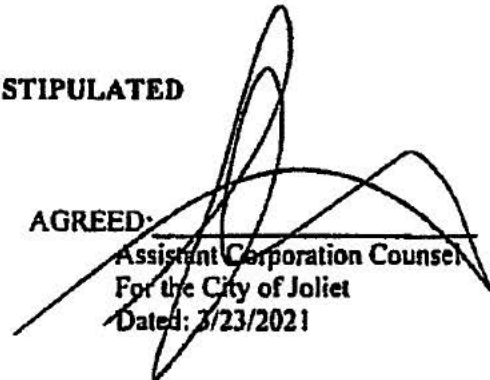




- 7. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing Catom Trucking vs. City of Chicago, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2.1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano  
 One of Defendant's Attorneys  
 Dated: 3/23/2021

AGREED:   
 Assistant Corporation Counsel  
 For the City of Joliet  
 Dated: 3/23/2021

Andreano Law, PC  
 Frank P. Andreano #06202756  
 Kelly A. Kirwin #06204576  
 58 N. Chicago Street, Ste. 509  
 Joliet, Illinois 60432  
 815-242-2000  
 frank@andreanolaw.com

BEFORE THE CITY OF JOLIET  
ADMINISTRATIVE ADJUDICATION DEPARTMENT

CITY OF JOLIET

Plaintiff,

vs.

JAMES JONES

Defendant.

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TICKET No. C1313 000144

**MOTION TO DISMISS:**  
**LACK OF JURISDICTION**  
65 ILCS 5/1-2.1-2

NOW Comes the Defendant, JAMES JONES, by and through his attorneys, Andreano Law PC, and pursuant to 65 ILCS 5/1-2.1-2 and *Catom Trucking vs. City of Chicago*, 2011 IL APP (1<sup>st</sup>) 101146 (2011), moves to dismiss this action as the offense at issue, *Overweight on Non-Designated City Road* as it is an offense governing the movement of traffic (625 ILCS 5/15-316(c)), and is therefore not subject to administrative adjudication pursuant to Section 5/1-2.1-2 of the Illinois Municipal Code. (65 ILCS 5/1-2.1-2) Further, the offense at issue is not within 625 ILCS 5/11-208.3, which allows for administrative adjudication of the standing, parking and condition of vehicles.

WHEREFORE, the Defendant so prays and moves, and moves for a judgment of acquittal on the charges, a dismissal, and for all such other and further relief this Court deems proper, just and fit.

JAMES JONES  
By: \_\_\_\_\_  
One of his attorneys,

Frank P. Andreano #06202756  
Andreano Law PC  
58 N. Chicago Street, Ste. 509  
Joliet, Illinois 60432  
815-242-2000  
[frank@andreanolaw.com](http://frank@andreanolaw.com)



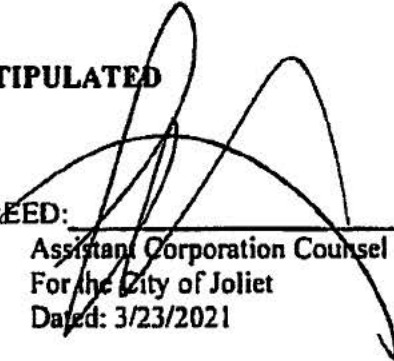


- 7. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing Catom Trucking vs. City of Chicago, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2.1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano  
 One of Defendant's Attorneys  
 Dated: 3/23/2021

Andreano Law, PC  
 Frank P. Andreano #06202756  
 Kelly A. Kirwin #06204576  
 58 N. Chicago Street, Ste. 509  
 Joliet, Illinois 60432  
 815-242-2000  
 frank@andreanolaw.com

AGREED:   
 Assistant Corporation Counsel  
 For the City of Joliet  
 Dated: 3/23/2021

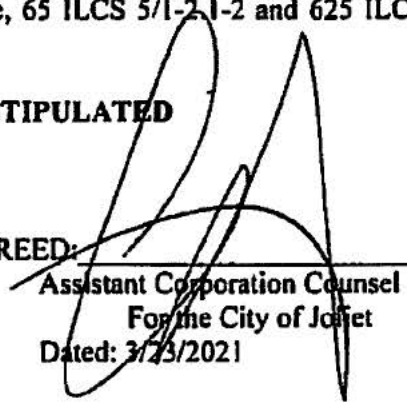




7. The Defendant concedes that his vehicle's total length exceeds 55 feet, and that fully laden or empty, his semi-tractor trailer would exceed those weights set forth in Ordinance 19-21, and concedes that the route at issue is a non-designated City truck route;
8. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing *Catom Trucking vs. City of Chicago*, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2.1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano  
 One of Defendant's Attorneys  
 Dated: 3/23/2021

AGREED:   
 Assistant Corporation Counsel  
 For the City of Joliet  
 Dated: 3/23/2021

Andreano Law, PC  
 Frank P. Andreano #06202756  
 Kelly A. Kirwin #06204576  
 John Connor #6229055  
 58 N. Chicago Street, Ste. 509  
 Joliet, Illinois 60432  
 815-242-2000  
 frank@andreanolaw.com



# EXHIBIT "D"

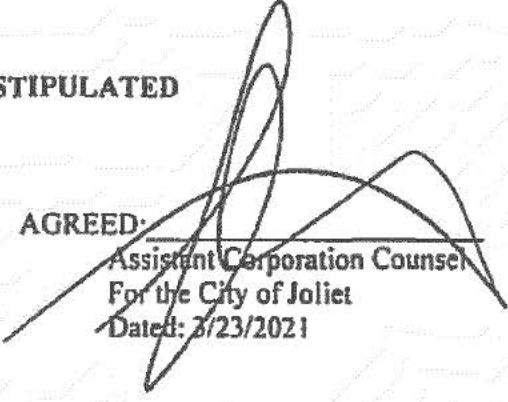


7. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing Catom Trucking vs. City of Chicago, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2.1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano  
One of Defendant's Attorneys  
Dated: 3/23/2021

Andreano Law, PC  
Frank P. Andreano #06202756  
Kelly A. Kirwin #06204576  
58 N. Chicago Street, Ste. 509  
Joliet, Illinois 60432  
815-242-2000  
frank@andreanolaw.com

AGREED:   
Assistant Corporation Counsel  
For the City of Joliet  
Dated: 3/23/2021

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
COUNTY OF WILL, ILLINOIS

JOLIET

Plaintiff,

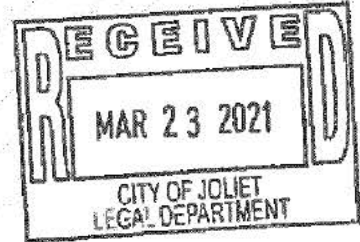
vs.

JAMES JONES

Defendant.

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NO. C1313-00144



STIPULATION

The parties hereby agree as follows:

1. If Joliet Police Officer R. Casares, Badge No. 189, were called to testify he would state as follows:
2. On 5/29/2020, and while on duty and in a marked police car, at approximately 3:02 PM, he observed a semi-tractor trailer on Millsdale Road, Joliet, Illinois, which is a non-designated truck route in the City of Joliet;
3. Due to the size of the vehicle Officer Casares believed the vehicle exceeded the weight limits set forth in City of Joliet Ordinance Sec. 19-21 (Weight restrictions);
4. Officer Casares is a trained truck enforcement officer and from such training he believed that the size and dimensions of the truck, where fully laden or empty would exceed the weight restrictions set forth in Ordinance Sec. 19-21.
5. Joliet Ordinance 19-21 provides, in pertinent part, as follows:
  - (a) Unless authorized in this division, it is unlawful to operate any vehicle in excess of twenty-four thousand (24,000) pounds (twelve (12) tons), or any vehicle with a gross vehicle weight rating greater than twenty-four thousand (24,000) pounds (12 tons), on any non-designated city road.
  - (b) On the following non-designated city roads, it is unlawful to operate any vehicle in excess of twenty thousand (20,000) pounds (ten (10) tons), or any vehicle with a gross vehicle weight rating greater than twenty thousand (20,000) pounds (ten (10) tons):

Millsdale Road between the railroad crossing and Keith Allen Drive;

6. The Defendant concedes that, fully laden or empty, his semi-tractor trailer would exceed those weights set forth in Ordinance 19-21, and concedes that the route at issue is a non-designated City truck route;

7. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing Catom Trucking vs. City of Chicago, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2.1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano

One of Defendant's Attorneys

Dated: 3/23/2021

Andreano Law, PC

Frank P. Andreano #06202756

Kelly A. Kirwin #06204576

58 N. Chicago Street, Ste. 509

Joliet, Illinois 60432

815-242-2000

frank@andreanolaw.com

AGREED: 

Assistant Corporation Counsel

For the City of Joliet

Dated: 3/23/2021

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
COUNTY OF WILL, ILLINOIS

JOLIET )

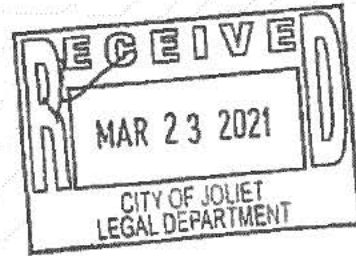
Plaintiff, )

vs. )

NO. C6130-000733-34 )

DAVID B. SPEER )  
Defendant. )

STIPULATION



The parties hereby agree as follows:

1. If Joliet Police Officer A. Nowak, Badge No. 139, were called to testify he would state as follows:
2. On 2/6/2020, and while on duty and in a marked police car, at approximately 12:04 PM, he observed a semi-tractor trailer on Millsdale Road, Joliet, Illinois, which is a non-designated truck route in the City of Joliet;
3. Due to the size of the vehicle Officer Nowak believed the vehicle exceeded the weight limits set forth in City of Joliet Ordinance Sec. 19-21 (Weight Restrictions);
4. Officer Nowak is a trained truck enforcement officer and from such training he believed that the size and dimensions of the truck, where fully laden or empty would exceed the weight restrictions set forth in Ordinance Sec. 19-21.
5. Joliet Ordinance 19-21 (Weight Restrictions) provides, in pertinent part, as follows:
  - (a) Unless authorized in this division, it is unlawful to operate any vehicle in excess of twenty-four thousand (24,000) pounds (twelve (12) tons), or any vehicle with a gross vehicle weight rating greater than twenty-four thousand (24,000) pounds (12 tons), on any non-designated city road.
  - (b) On the following non-designated city roads, it is unlawful to operate any vehicle in excess of twenty thousand (20,000) pounds (ten (10) tons), or any vehicle with a gross vehicle weight rating greater than twenty thousand (20,000) pounds (ten (10) tons):

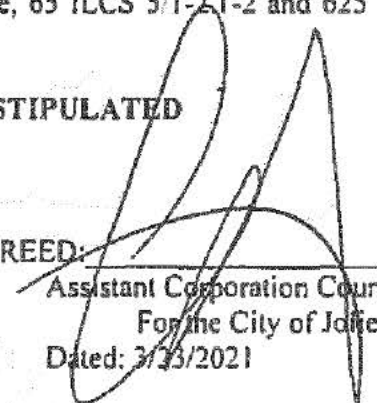
Millsdale Road between the railroad crossing and Keith Allen Drive;

6. Officer Nowak also believed the vehicle exceed 55 feet, which violates Joliet Ordinance 19-19, which limits the length of vehicles on non-designated streets to 55 feet.

- 7. The Defendant concedes that his vehicle's total length exceeds 55 feet, and that fully laden or empty, his semi-tractor trailer would exceed those weights set forth in Ordinance 19-21, and concedes that the route at issue is a non-designated City truck route;
- 8. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing Catom Trucking vs. City of Chicago, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2-1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano  
 One of Defendant's Attorneys  
 Dated: 3/23/2021

AGREED:   
 Assistant Corporation Counsel  
 For the City of Joliet  
 Dated: 3/23/2021

Andreano Law, PC  
 Frank P. Andreano #06202756  
 Kelly A. Kirwin #06204576  
 John Connor #6229055  
 58 N. Chicago Street, Ste. 509  
 Joliet, Illinois 60432  
 815-242-2000  
 frank@andreanolaw.com

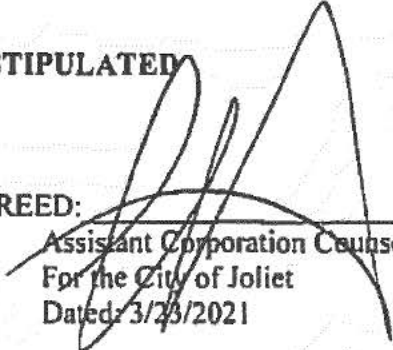




- 7. The Defendant urges that the offense at issue is a moving violation, and thus not subject to administrative adjudication, citing Catom Trucking vs. City of Chicago, 2011 IL App. (1<sup>st</sup>) 101146 (2011), and the Illinois Municipal Code, 65 ILCS 5/1-2.1-2 and 625 ILCS 5/11-208.3.

**IT IS SO AGREED AND STIPULATED**

AGREED: Frank Andreano  
 One of Defendant's Attorneys  
 Dated: 3/23/2021

AGREED:   
 Assistant Corporation Counsel  
 For the City of Joliet  
 Dated: 3/23/2021

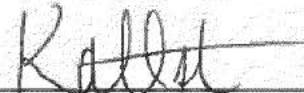
Andreano Law, PC  
 Frank P. Andreano #06202756  
 Kelly A. Kirwin #06204576  
 John Connor #6229055  
 58 N. Chicago Street, Ste. 509  
 Joliet, Illinois 60432  
 815-242-2000  
 frank@andreaanlaw.com



**PROOF OF SERVICE**

The undersigned, a non-attorney, certifies, under penalties of perjury pursuant to 735 ILCS 5/1-109, that she caused a copy of the foregoing *Defendant's Response in Opposition to Plaintiff's Brief in Support of Administrative Review* to be served by electronic mail on the 18th day of October 2021, to the party listed below.

Frank P. Andreano  
ANDREANO LAW PC  
[FRANK@ILTRIALS.COM](mailto:FRANK@ILTRIALS.COM)

  
\_\_\_\_\_  
Kathleen Ostrowski  
*Legal Assistant*

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF WILL        )

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS**

ROBERT COMMACHO JR.,                    )  
JAMES A. JONES, BRUCE D. OLIVER,        )  
DAVID B. SPEER, JORGE URBINA            )

Plaintiffs,                                    )

v.    )

Case No. 21MR1420

CITY OF JOLIET, an Illinois Municipal     )  
Corporation,                                 )

Defendant.                                    )

**DEFENDANT’S RESPONSE IN OPPOSITION TO PLAINTIFF’S BRIEF IN SUOPRT  
OF ADMINISTRATIVE REVIEW**

NOW COMES the Defendant, CITY OF JOLIET, (“the City”) an Illinois Municipal Corporation, by and through its attorney, Todd Lenzie, Assistant Corporation Counsel, and for its Answer to Plaintiffs’ Complaint for Administrative Review, states as follows:

NATURE OF THE CASE

This is an action for Administrative Review under 735 ILCS 5/3-101-113 (2021). This appeal concerns JOLIET, ILL., CODE § 19-21 (2020), which is the Joliet Ordinance on overweight vehicles. The City cited some of the Plaintiffs with overlength violations, but those violations were not included in the motion to dismiss. This appeal is not deciding those cases.

STATEMENT OF FACTS

The City of Joliet cited the Plaintiffs with either a Violation 19-19 (Over Maximum Length on Non-Designated City Street) or 19-21 (Overweight on Non-Designated City Road) in the following manner:

<u>Plaintiff</u>	<u>City Code Section</u>	<u>Violation Description</u>
Robert Camacho Jr.	19-21	Overweight on Non-Designated City Road
James A. Jones	19-21	Overweight on Non-Designated Road
Bruce D. Oliver	19-21	Overweight on Non-Designated City Road
David B. Speer	19-19	Over Maximum Length on Non-Designated City Road
	19-21	Overweight on Non-Designated City Road
Jorge Urbina	19-19	Over Maximum Length on Non-Designated City Road
	19-21	Overweight on Non-Designated City Road

City Code 19-21(a) makes it unlawful to operate any vehicle in excess of twenty-four thousand (24,000) pounds or any vehicle with a gross vehicle weight rating greater than twenty-four (24,000) pounds on any non-designated city road.

The Plaintiffs are all commercial truck drivers, and this appeal is consolidated for judicial economy. The Defendants filed two motions before hearing: (1) Motion to Produce Weight Ticket and (2) Motion to Dismiss: Lack of Jurisdiction.<sup>1</sup>

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<sup>1</sup> The Motion to Dismiss only applied to the Overweight on Non-Designated City Road, Joliet City Code 19-19, and the Plaintiffs base it on *Catom Trucking vs. City of Chicago*, 2011 IL App (1st) 101146 (1st Dist. 2011).

On September 22, 2020, the hearing officer, Victor Puscas, heard arguments regarding these motions. During the arguments, John Connor, the attorney for the Plaintiffs, indicated that the two motions only apply to the overweight tickets. *Transcript from September 9/22/2020*, lines 40-43. The Plaintiff argued that *Catom Trucking*, 2011 IL App (1st) 101146, 351 Ill. Dec. 797 (1st Dist. 2011), applied and the Joliet overweight ordinance restricted the movement of traffic. *Id.* at 100-115. The City argued that the ordinance governed the condition of vehicles instead of the “movement of vehicles”. *9/22/2020 tr.* at 77.

The Hearing Officer issued a written findings, decision, and order on September 24, 2020 denying the Plaintiff’s motion to dismiss and to produce the weight ticket. He found that the ordinances were not reportable offenses under 6-204 of the Illinois Vehicle Code, and that the overweight tickets are not moving violations.<sup>2</sup>

The parties entered a stipulation on March 23, 2021. The March 31, 2021 decision noted that all parties entered a stipulation and the facts were not in dispute. The Hearing Officer found in the City’s favor and found the Plaintiff’s liable. The City issued a findings, decision, and order on April 13, 2021, and the Plaintiff filed this appeal on May 13, 2021.

#### STANDARD OF REVIEW

The Plaintiffs seek to have the Circuit Court reverse the Hearing Officer’s April 13, 2021 finding, decision, and order. The applicable standard of review depends upon whether the question presented is a question of fact, a question of law, or a mixed question. *Marconi v. Chicago Heights Police Pension Bd.*, 225 Ill.2d 497, 532, 312 Ill. Dec. 208, 227 (2006). This Court should only reverse questions of fact if they are against the manifest weight of the

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<sup>2</sup> Further, he found that because the overweight ordinance is only enforcing a vehicle’s rating and not the actual weight, there is no need for the City to produce the weight ticket.

evidence; it should review questions of fact *de novo*; and, it should review mixed questions under the clearly erroneous standard. *Id.* Finally, the Plaintiff has the burden of proof. *Id.*

In these cases, the parties presented a stipulation to the fact that the vehicle's total length exceeds fifty-five (55) feet and that its semi-tractor trailer would exceed those weights set forth in City Ordinance 19-21. Therefore, the only issue is a question of law, and this Court should review it *de novo*, and the 19-19 over-maximum length violation are not a subject of the appeal.

### ARGUMENT

#### I. THE CITY'S OVERWEIGHT AND OVER LENGTH ORDINANCES DEAL WITH THE CONDITION AND USE OF TRUCK AND WITHIN THE SCOPE OF ARTICLE I IF THE CITY OF JOLIET'S MUNICIPAL CODE

Article I of the City of Joliet's Code provides the rules for its administrative adjudication procedures. Section 3-1 defines the purpose of the City Administrative Procedure as providing for a fair and efficient method of the enforcement of municipal regulations. That Section also indicates that the City has adopted 625 ILCS 5/11-208.3 for violations of traffic regulations concerning the standing, parking, or *condition of vehicles*.<sup>3</sup>

Among other violations, Section 3-3 of the City Code defines "Code violation," in part, as a "violation of traffic regulations concerning the standing, parking, or condition of vehicles," and 11-208.3 echoes that language by reiterating the phrase "regulations concerning the standing, parking, or condition of vehicles."<sup>4</sup> That Statutory provision then expands on that phrase by stating that "[t]he administrative system shall have as its purpose the fair and efficient enforcement . . . of municipal . . . regulations through the administrative adjudication

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<sup>3</sup> 11-208.3 also specifically indicates that a municipality may administratively adjudicate automated traffic law violation and automated speed enforcement violations.

<sup>4</sup> The City Code excluded from the definition of code violation proceedings that are not within the statutory or the home rule authority of the city or any offense under the vehicle code or a similar offense that is a reportable offense.

of...violations of municipal . . . ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal or county wheel tax licenses within the municipality's...borders.”<sup>5</sup>

The City of Joliet cited the Plaintiffs with violations of City Code Section 19-19 (Maximum Length) and 19-21 (Weight Restrictions). These two regulations apply to the condition of the vehicles in questions. City Code 19-19 restricts vehicles to fifty-five (55) feet and 19-21 limits the gross weight to gross vehicle weight rating greater than twenty-four thousand (24,000) pounds (12 tons), on any non-designated city road unless the City issues a permit.<sup>6</sup>

The Plaintiff’s memorandum of law argues that these violations are not regulations concerning the standing and parking of vehicles, which is correct. However, these regulations concern the condition of vehicles. This memorandum argues that it is the fact that the Plaintiffs were driving upon a weight restricted roadway that brings them out of the condition of the vehicle definition. It states that it is the movement of traffic and not the condition of the vehicle which is at issue.

The City Code that is subject of this action does not require the vehicle to be moving. Section 19-19 indicates that the maximum length of the motor vehicle on any non-designated street shall be fifty-five (55) feet. Both Sections 19-19 and 19-21 use the word operate and not the words drive or move.<sup>7</sup>

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<sup>5</sup> 11-208.3 also defines compliance violation as a “municipal...regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal or county wheel tax license.”

<sup>6</sup> City Code Section 19-22 and 19-23 provides for a overweight and over-dimension permits. In issuing the permits, the City Manager may restrict the number or time of daily trips and may establish the route consistent with public safety.

<sup>7</sup> Section 19-19’s exceptions speaking either in terms of operations or securing a permit from the city manager, and 19-21 indicates that “it is unlawful to operate any vehicle.”



The Plaintiff's argument also fails to consider specific provisions §11-208.3 that allow for administrative adjudication of automated traffic law violations, automated speed enforcement system violations, and violations that regulate the condition and use of vehicle equipment. Even though it would seem that a "red light" camera violation would violate the administrative adjudication prohibition, because to run a red light a vehicle would need to be moving, it does not govern the "movement of vehicles." *Fischetti v. Village of Schaumburg*, 2012 IL App (1st) 111008, ¶ 7, 359 Ill.Dec. 920, 925 (1st Dist. 2012). The "red light" camera is not a regulation on the "movement of vehicles" because the camera captures a vehicle in a moment in time when the vehicle's use disobeys a red-light signal.

This is similar to City Code Sections 19-19 and 19-21. These sections do not require movement on the road. The Sections refer to being on the road and being operated. The operated term could refer to a time when the vehicle is stopped on the road. It could also be referred to a moment when they violate those Section. They do not require nor have anything to do with a regulation on the movement of the vehicle.

II. THE FIRST DISTRICT WRONGLY DECIDED THAT 65 ILCS 5/1-2.1-2(A)(2) EXCLUDES "ANY OFFENSE UNDER THE ILLINOIS VEHICLE CODE OR A SIMILAR OFFENSE THAT IS A TRAFFIC REGULATION GOVERNING THE "MOVEMENT OF VEHICLES," AS WELL AS "ANY REPORTABLE OFFENSE UNDER section 6-204 OF THE ILLINOIS VEHICLE CODE."

The First District, in *Catom Trucking*, 2011 IL App (1st) at ¶3, decided a case involving the City of Chicago's ordinances on overweight vehicles. This case centered Chicago's ability to administratively adjudicate overweight violations. 65 ILCS 5/1-2.1-2 states that any municipality may administratively adjudicate a violation, "except for (i) proceedings not within the statutory or the home rule authority of municipalities; and (ii) any offense under the Illinois

Vehicular Code or a similar offense that is a traffic regulation governing the “movement of vehicles” and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

One of the issues in *Catom Trucking* is whether 1-2.1-2(a)(ii) contains one or two exceptions. *Id.* at ¶15. The First District held that it was two exceptions because “[t]he proper reading of subsection (ii) is that it excludes any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the “movement of vehicles”, as well as any reportable offense under Section 6-204 of the Illinois Vehicle Code.” *Id.* at ¶16. The First District determined this because it said that the alternative holding would render superfluous the words “except for any.” *Id.*

The First district stated that it must construe the statute so that each word, clause, or sentence is given reasonable meaning and not deemed superfluous or void. *Id.* It then determined that the “except for” in paragraph (ii) would be superfluous if it would read it as two separate exceptions. *Id.*

However, this reading ignores the paragraph structure and the word “and.” The Illinois Legislature put the exception in outline form. It included only two subparagraphs and included the word “and.” The First District did not construe this statute to give a reasonable meaning to the paragraph structure. The correct reading would be that the except is when both any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the “movement of vehicles” *and* except for any reportable offense under Section 6-204 of the Illinois Vehicle Code are both present. The First District incorrectly determined that three exceptions exist.

The violations at issue in this case are not reportable under the 625 ILCS 6-204.<sup>8</sup> As such, the 1-2.1-2(a)(ii) does not apply because this is not a reportable violation.

III. THE CITY OF JOLIET CAN ADMINISTRATIVELY ADJUDICATE BOTH OVERWEIGHT AND OVERLENGTH VIOLATION BECAUSE NEITHER REGULATE THE “MOVEMENT OF VEHICLES”.

65 ILCS 5/1-2.1-2 is the state statute that governs whether a municipality can administratively adjudicate a city code violation. It prohibits the administrative adjudication of any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the “movement of vehicles” and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code. The “movement of vehicles” is not defined in any statute. To define the term, the Court should look to other statutes and the specific wording of the ordinance.<sup>9</sup> *Williams v. Illinois State Scholarship Comm’n*, 139 Ill. 2d 24, 52, 563 N.E.2d 465, 478 (1990).

A. The First District, in *Catom Trucking*, decided that Chicago’s weight ordinance was a “moving violation” because 9-72-070 actually uses the term “moved upon.”

The relevant Chicago City Code used in *Catom Trucking* for permits allowed Chicago’s executive director of the Office of Emergency Management to “issue a special permit authorizing a vehicle ... not in conformity with ... gross weight provision of Section 15-111 of the Illinois Vehicle Code [(625 ILCS 5/15-112) (West 2008)], to be operated or *moved upon* any street or highway under the jurisdiction of the City.” CHICAGO ILL. CODE §9-72-070(a)(1) (2008).

<sup>8</sup> 625 ILCS 5/6-204 deals with when courts are to forward violations to the Secretary of State. Section 6-204(a)(2) provides an exception for a municipal ordinance for vehicle weights and lengths.

<sup>9</sup> The Illinois Supreme Court stated that the Legislature intended related statutes to be consistent and harmonious. Courts are to construe such statutes in harmony with each other.

The First District construed this statute to mean that it excludes any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the “movement of vehicles” as well as any reportable offense under 6-204. It ultimately decided that the City of Chicago lacked jurisdiction to administratively adjudicate these violations because it governed the “movement of vehicles.”

The First District’s *Catom Trucking* decision quoted the City of Chicago’s Code 9-72-070. In its quotation, the First District put *or moved upon* in italics. *Id.* at 2011 IL App (1st) at ¶ 18. The First District determined that the Chicago City Code 9-72-070 governed “movement of vehicles” because it used those words in its Code. *See Id.* The City of Chicago, since *Catom Trucking*, has amended its code by removing “*or moved upon*” in 9-72-070. CHICAGO CODE 9-72-070 Appendix B.

The City of Joliet’s Code differs from the one at issue in *Catom Trucking*. Joliet’s Code does not use the term “*moved upon*.” It uses the term “operate,” which was also used in Chicago’s 2008 weight ordinance. The First District quoted 9-72-70 and did not put in italics the term “operated.”

The First District also noted that Chicago’s ordinance defined *Catom Trucking*’s violation as a “traffic violation,” and it defined “traffic” as “for purposes of travel.” This is also in italics. Joliet’s ordinances do not define its overweight violations in this way.

B. A vehicle being in motion does not define the term “movement of vehicles.”

A “moving violation” is not defined by whether a vehicle is in motion. “Moving violation” is a colloquial term, and Court should look to the exact language of the ordinance and other statutes to define it.

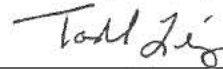
For example, seatbelt and other equipment violations are not referred to as "moving violations" even though the vehicle was moving when the offense occurred. If the vehicle was not moving, no enforcement jurisdiction exists. In addition, the automated red light camera violations are also not moving violations.

Pursuant to 625 ILCS 5/11-208.3, municipalities may adjudicate vehicular standing and parking violations, vehicle compliance violations, automated traffic law violations, and automated speed enforcement violations. A vehicle compliance violation is further defined as "a violation of a municipal or county regulation governing the condition or use of equipment on a vehicle." The condition of a vehicle includes its weight. This position is supported by relevant statutes which consistently list violations of vehicle weight restrictions as non-reportable offenses, which may be adjudicated locally.

Pursuant to 625 ILCS 5/11-208 entitled "Powers of Local Authorities," local authorities may restrict the use of highways. Joliet has the authority to restrict certain vehicles, such as those which are over certain weights, from traveling on certain roads within the City.

CITY OF JOLIET,  
an Illinois Municipal Corporation,

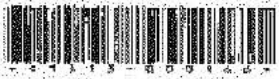
BY: \_\_\_\_\_






Todd Lenzie

Todd Lenzie (#6288346)  
*Assistant Corporation Counsel*  
City of Joliet  
150 W. Jefferson St.  
Joliet, IL 60432  
(815)724-3800  
[tlenzie@joliet.gov](mailto:tlenzie@joliet.gov)

Appendix A – Tickets

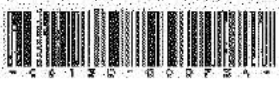
VIOLATION		
City of Joliet		
<b>ORDINANCE VIOLATION NOTICE</b>		
TICKET NUMBER	ISSUE DATE / TIME	FINE AMOUNT
C8113-000166 J1-20-0009543	7/8/2020 1:15 PM	\$749.00
VIOLATION LOCATION		
EAST	MILLSDALE RD AND BRIDGE ST	
VIOLATION		
IP-21	OVERWEIGHT ON NON-DESIGNATED CITY ROAD	
FURTHER ORDINANCE DESCRIPTION		
VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR
INTERNATIONAL	OTHER	MAROON
LICENSE PLATE	STATE	VIN #
R450447	TX	3HSCUAPRSAN183077
RESPONDENT NAME		
CAMACHO, ROBERTO JR		
RESPONDENT ADDRESS		
448 ESTATE DR, CLINT, TX 79826		
HEARING DATE/TIME IF NOT PAID: 8/11/2020 9:00 AM		
LOCATION TO APPEAR: Joliet Municipal Building 2nd Floor Council Chambers 150 W. Jefferson Joliet, IL 60432		
<i>Robert A. Camacho</i>		
Camera, B-940		
POSTING METHOD: Personal Service		
MAKE CHECK OR MONEY ORDER PAYABLE TO THE CITY OF JOLIET AND MAIL TO 150 W JEFFERSON ST, JOLIET, IL 60432. PAY BY PHONE: 815-724-3828 8-4:30pm M-F. PAY IN PERSON AT CITY HALL.		
<b>DO NOT SEND CASH</b>		
If not paid before 8/11/2020 9:00 AM		\$800.00
If not paid before 9/05/2020		\$850.00
If not paid before 10/20/20		\$950.00
Unpaid balance sent to Collection Agency on/after: 11/02/2020		
To pay online, please visit: <a href="http://www.joliet.gov/tas/violator">www.joliet.gov/tas/violator</a>		
Citation #: C8113-000166 Customer #: 35334		
		
VIOLATION		



VIOLATION		
City of Joliet		
<b>ORDINANCE VIOLATION NOTICE</b>		
TICKET NUMBER	ISSUE DATE / TIME	FINE AMOUNT
C0313-000144 J1-20-0006572	5/23/2020 3:02 PM	\$250.00
VIOLATION LOCATION		
EAST	MILLSDALE RD AND BRIDGE ST	
VIOLATION		
11-21	OVERWEIGHT ON NON-DESIGNATED CITY ROAD	
FURTHER ORDINANCE DESCRIPTION		
VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR
PETERBILT	OTHER	WHITE
LICENSE PLATE	STATE	VIN#
2B32600	IN	1XPB0R9X9JD488977
RESPONDENT NAME		
JONES, JAMES A		
RESPONDENT ADDRESS		
1306 CARROLL AVE, TEXARKANA, TX 75501		
HEARING DATE/TIME IF NOT PAID: 5/23/2020 10:00 AM		
LOCATION TO APPEAR: Joliet Municipal Building 2nd Floor Council Chambers 150 W. Jefferson Joliet, IL 60432		
<i>Robert A. Spivey</i>		
Cassius, R 0100		
POSTING METHOD: By Mail		
MAKE CHECK OR MONEY ORDER PAYABLE TO THE CITY OF JOLIET AND MAIL TO 160 W. JEFFERSON ST. JOLIET, IL 60432. PAY BY PHONE: 815-724-3820 9-4:30pm M-F. PAY IN PERSON AT CITY HALL.		
<b>DO NOT SEND CASH</b>		
If not paid before 6/23/2020 9:00 AM		\$300.00
If not paid before 7/13/2020		\$350.00
If not paid before 8/14/2020		\$350.00
Unpaid balances sent to Collection Agency on/after: 9/14/2020		
To pay online, please visit: <a href="http://www.joliet.gov/online/tickets">www.joliet.gov/online/tickets</a>		
Ticket #: C1313-000144 Customer #: 33978		
		
VIOLATION		



VIOLATION		
City of Joliet		
<b>ORDINANCE VIOLATION NOTICE</b>		
TICKET NUMBER	ISSUE DATE / TIME	FINE AMOUNT
C9235-001245 J1-20-0007070	07/15/2020 11:27 AM	\$750.00
VIOLATION LOCATION		
EAST	MILLSDALE RD AND S BRIDGE RD	
VIOLATION		
19-21	OVERWEIGHT ON NON-DESIGNATED CITY ROAD	
FURTHER ORDINANCE DESCRIPTION		
VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR
FREIGHTLINER	OTHER	WHITE
LICENSE PLATE	STATE	YR #
P742171	SC	1F0JAGC04L038451
RESPONDENT NAME		
OLIVER, BRUCE D		
RESPONDENT ADDRESS		
2851 BLYTHEWOOD CROSSING LN. BLYTHEWOOD, SC 29016		
HEARING DATE/TIME IF NOT PAID: 7/14/2020 9:00 AM		
LOCATION TO APPEAR: Joliet Municipal Building 2nd Floor Council Chambers 150 W. Jefferson Joliet, IL 60432		
		
Washer, F #132		
POSTING METHOD: Personal Service		
MAKE CHECK OR MONEY ORDER PAYABLE TO THE CITY OF JOLIET AND MAIL TO 150 W JEFFERSON ST. JOLIET, IL 60432. PAY BY PHONE: 315-724-2820 8-4:30pm M-F. PAY IN PERSON AT CITY HALL.		
<b>DO NOT SEND CASH</b>		
If not paid before 7/14/2020 8:00 AM:		\$400.00
If not paid before 8/31/2020:		\$450.00
If not paid before 9/14/2020:		\$500.00
If not paid balance sent to Collection Agency on after: 10/5/2020		
To pay online, please visit <a href="http://www.joliet.gov/jsp/myticket">www.joliet.gov/jsp/myticket</a>		
Citation #: C9235-001245 Customer #: 34399		
		
4 1 2 3 5 8 0 0 1 2 4 5 1		
VIOLATION		





VIOLATION		
<b>City of Joliet</b>		
<b>ORDINANCE VIOLATION NOTICE</b>		
TICKET NUMBER	ISSUE DATE / TIME	FINE AMOUNT
C6130-000734 J1-20-0001824	2/6/2020 12:04 PM	\$500.00
VIOLATION LOCATION		
WB	W MILLSDALE RD AND S BRIDGE RD	
VIOLATION		
19-19	OVER MAXIMUM LENGTH ON NON-DESIGNATED CITY STREET	
FURTHER ORDINANCE DESCRIPTION		
VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR
INTERNATIONAL	OTHER	WHITE
LICENSE PLATE	STATE	VIN #
2720026	IN	3HSDZAPRAK0318670
RESPONDENT NAME		
SPEER, DAVID B		
RESPONDENT ADDRESS		
303 POSTERVILLE RD, GREENSBURG, PA 15001		
HEARING DATE/TIME IF NOT PAID: 3/10/2020 9:00 AM		
LOCATION TO APPEAR: Joliet Municipal Building 2nd Floor Council Chambers 150 W. Jefferson Joliet, IL 60432		
<i>David B. Speer</i> 139		
Notaric A#129		
POSTING METHOD: Personal Service		
MAKE CHECK OR MONEY ORDER PAYABLE TO THE CITY OF JOLIET AND MAIL TO 150 W JEFFERSON ST, JOLIET, IL 60432. PAY BY PHONE: 815-724-3820 8-4:30pm M-F. PAY IN PERSON AT CITY HALL.		
<b>DO NOT SEND CASH</b>		
if paid on/after 3/10/2020 9:00 AM		\$500.00
if paid on or after 4/8/2020:		\$600.00
if paid on or after 5/1/2020:		\$700.00
For bill balance, visit <a href="http://CityHall.org">CityHall.org</a> or call 815-724-3820		
To pay online, please visit <a href="http://www.joliet.gov/payingtickets">www.joliet.gov/payingtickets</a>		
Citation #: C6130-000734 Customer #: 38858		
		
VIOLATION		

VIOLATION		
<b>City of Joliet</b>		
<b>ORDINANCE VIOLATION NOTICE</b>		
TICKET NUMBER	ISSUE DATE / TIME	FINE AMOUNT
CS235-001517	10/13/2020 8:33 AM	\$750.00
VIOLATION LOCATION		
NORTH	N HICKORY ST AND ONEIDA ST	
VIOLATION		
18-21	OVERWEIGHT ON NON-DESIGNATED CITY ROAD	
FURTHER ORDINANCE DESCRIPTION		
VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR
INTERNATIONAL	OTHER	BLUE
LICENSE PLATE	STATE	VIN #
P801266	IL	3HC0ZAPR6LL081324
RESPONDENT NAME		
BRBINA, JORGE		
RESPONDENT ADDRESS		
6023 WALLACE RD, HAMMOND, IN 46320		
HEARING DATE/TIME IF NOT PAID: 11/10/2020 9:00 AM		
LOCATION TO APPEAR: Joliet Municipal Building 2nd Floor Council Chambers 130 W. Jefferson Joliet, IL 60432		
		
Weaver, F #432		
POSTING METHOD: Personal Service		
MAKE CHECK OR MONEY ORDER PAYABLE TO THE CITY OF JOLIET AND MAIL TO 130 W JEFFERSON ST, JOLIET, IL 60432. PAY BY PHONE: 815-724-3920 9-4:30pm M-F. PAY IN PERSON AT CITY HALL.		
<b>DO NOT SEND CASH</b>		
Total paid before 11/10/2020 8:00 AM		500.00
Paid on or after 12/01/2020:		\$750.00
Paid on or after 1/1/2021:		650.00
JULIET balance sent to Collection Agency on/after: 2/1/2021		
To pay online, please visit <a href="http://www.joliet.gov/psym/ticket">www.joliet.gov/psym/ticket</a>		
Citation #: CS235-001517 Customer #: 39685		
		
1 6 0 7 3 2 0 0 1 8 9 1		
VIOLATION		

VIOLATION		
City of Joliet		
<b>ORDINANCE VIOLATION NOTICE</b>		
TICKET NUMBER	ISSUE DATE/TIME	FINE AMOUNT
09235-001518 J1-20-0013868	10/13/2020 9:33 AM	\$300.00
VIOLATION LOCATION		
NORTH	N HICKORY ST AND ONEIDA ST	
VIOLATION		
12-19	OVER MAXIMUM LENGTH ON NON-DESIGNATED CITY STREET	
FURTHER ORDINANCE DESCRIPTION		
VEHICLE MAKE	VEHICLE MODEL	VEHICLE COLOR
INTERNATIONAL	OTHER	BLUE
LICENSE PLATE	STATE	VIN #
PS01295	IL	3HCDEAPR0LL086324
RESPONDENT NAME		
URBINA, JORGE		
RESPONDENT ADDRESS		
6811 WALLACE RD, HANNOCK, IN 46310		
HEARING DATE/TIME IF NOT PAID: 11/10/2020 9:00 AM		
LOCATION TO APPEAR: Joliet Municipal Building 2nd Floor Council Chambers 150 W. Jefferson Joliet, IL 60432		
		
Washer, F #132		
POSTING METHOD: Personal Service		
MAKE CHECK OR MONEY ORDER PAYABLE TO THE CITY OF JOLIET AND MAIL TO 150 W JEFFERSON ST, JOLIET, IL 60432. PAY BY PHONE: 815-724-3820 8-4:30pm M-F. PAY IN PERSON AT CITY HALL.		
<b>DO NOT SEND CASH</b>		
If not paid before 11/10/2020 9:00 AM:		\$300.00
If paid on or after 11/10/2020:		\$600.00
If paid on or after 11/1/2021:		\$700.00
Unpaid balance sent to Collection Agency on/after: 2/1/2021		
To pay online, please visit <a href="http://www.joliet.gov/paymyticket">www.joliet.gov/paymyticket</a>		
Citation #: 09235-001518 Customer #: 30685		
		
VIOLATION		

## Appendix B – City of Chicago Municipal Code

### 9-72-070 Special permits.

(a) (1) The executive director may, upon application in writing and good cause being shown, issue a special permit authorizing a vehicle or combination of vehicles not in conformity with the size regulations of this chapter or the wheel and axle load and gross weight provisions of Section 15-111 of the Illinois Vehicle Code, to be operated upon any street or highway under the jurisdiction of the city. The fees for permits under this section shall be as provided in Table 9-72-070. All fee payments under this section shall be deposited in an account to be used only for maintenance, repair and upgrading of streets and highways within the city designated under Section 9-72-033.

(2) The executive director may, upon application in writing and good cause being shown, issue a special annual permit authorizing a vehicle or combination of vehicles not in conformity with the size regulations of this chapter or the wheel and axle load and gross weight provisions of Section 15-111 of the Illinois Vehicle Code to operate in the following designated industrial truck corridor:

Calumet Industrial Corridor Heavy Truck Route:  
 103rd Street, from Stony Island Avenue to Torrence Avenue;  
 Stony Island Avenue, from 103rd Street to 122nd Street;  
 122nd Street, from Stony Island Avenue to Torrence Avenue;  
 Torrence Avenue, from 103rd Street to 130th Street;  
 106th Street, from Torrence Avenue to Burley Avenue;  
 Doly Avenue, from 103rd Street to 130th Street;  
 Burley Avenue, from 106th Street to 126th Place;  
 116th Street, from Burley Avenue to Avenue O;  
 Avenue O, from 106th Street to 126th Place;  
 Brainard Avenue, from 130th Street to 138th Street;  
 130th Street, from Indiana Avenue to Brainard Avenue;  
 127th Street, from Halsted Street to Indiana Avenue;  
 Halsted Street, from 127th Street to 130th Street;  
 122nd Street, from Carondelet Avenue to Avenue C;  
 Carondelet Avenue, from 122nd Street to 126th Place.

The permit shall authorize the operation of a vehicle, whose total gross weight is equal to or less than 160,000 pounds, within the designated industrial truck corridor for the purpose of delivery or pick up of materials. The operation of any vehicle within the designated truck corridor whose: (i) total gross weight is greater than 160,000 pounds; or (ii) operation is for purposes other than for delivery or pick up of materials or merchandise within the designated industrial truck corridor shall be subject to the provisions of subsection (a)(1) of this section.

The annual fee shall be \$100.00. The annual permit period shall begin on January 1st and end on December 31st of each year. All fee payments under this subsection shall be deposited in an account to be used only for maintenance, repair and upgrading of streets and highways within the city designated under Section 9-72-033.

(b) The application for any permit shall specifically describe the vehicle or vehicles and load to be operated and the particular streets or highways for which the permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(c) The executive director is authorized to withhold such permit or, if such permit is issued, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the streets or highways indicated, to require appropriate escort vehicles for the vehicle subject to the permit, or otherwise to prescribe conditions of operation of such vehicle or vehicles, when such action, in the judgment of the executive director, is necessary to assure against undue damage to the road, foundations, surfaces or structures.

(d) (1) The executive director shall not issue any permit unless the applicant has furnished proof of commercial automobile liability insurance with limits of not less than \$1,000,000.00 per occurrence, combined single limit, for bodily injury and property damage that may result from the granting of the permit or that may arise from or on account of any work done thereunder.

(2) Apart from and separate from any insurance requirements under this section, the applicant shall indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising from the granting of the permit or that may arise from or on account of any work done thereunder. As a condition of the permit the grantee shall: (i) assume all responsibility for any injury to persons or damage to public or private property; (ii) indemnify, defend and hold the city harmless from all suits, claims, damages, or proceeding of any kind for injury to persons or damage to public or private property caused, in whole or part, by the operation of the vehicle in violation of any term or condition of the permit; and (iii) restore at his own cost, to a condition satisfactory to the executive director, any pavement, subway, tunnel, sewer, pipe, conduits, public utility, or any other public property that may be injured by reason of the operation of the vehicle under such permit.

al Code



IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

R. Camacho

Plaintiff(s)

vs

City of Joliet

Defendant(s)

CASE NO: 21 MR 40

FILED  
21 NOV 21 AM 9:14  
COURT ANNEX

ORDER

PLAINTIFF PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	JUDGE Anderson	PLAINTIFF ATTORNEY	<input type="checkbox"/> YES <input type="checkbox"/> NO
DEFENDANT PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	TVA	DEFENDANT ATTORNEY	<input type="checkbox"/> YES <input type="checkbox"/> NO

THE COURT BEING ADVISED IN THE PREMISES:

IT IS ORDERED:

On Motion of \_\_\_\_\_  
that this cause is continued to \_\_\_\_\_, 20\_\_\_\_  
TIME: \_\_\_\_\_ a.m. p.m. ROOM: \_\_\_\_\_  
JUDGE: \_\_\_\_\_  
 \_\_\_\_\_ MUST APPEAR FOR:  
 Status on \_\_\_\_\_  
 Hearing on Motion/Petition for/to: \_\_\_\_\_  
 Proof of Damages  
 Bench Trial on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
a.m./p.m. Room \_\_\_\_\_,  Will County Court House  
 Will County Court Annex  
 Jury Trial the week of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
9:00 a.m. with Trial Status on \_\_\_\_\_,  
20\_\_\_\_ at 9:00 a.m. Room \_\_\_\_\_ (Will County  
Court Annex).  
 The clerk of \_\_\_\_\_ is directed to  
send a copy of this order to all parties.  
 Other: On Plaintiff's complaint  
for administrative review,  
the court finds in favor of

IT IS ORDERED:

Dismissed without Prejudice  
 Dismissed with Prejudice  
 Dismissed for Want of Prosecution  
 Alias Summon(s) to Issue  
 Citation to Issue  
 JUDGMENT to enter:  
 By Default  
 Upon Trial or Hearing  
 Defendant Having Admitted Liability  
in favor of \_\_\_\_\_  
and against \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_ plus attorneys'  
fees of \$ \_\_\_\_\_, costs of \$ \_\_\_\_\_  
 Miscellaneous Order: \_\_\_\_\_

the City of Joliet. Affirmed.

Attorney or Party, if not represented by Attorney  
Name \_\_\_\_\_  
ARDC # \_\_\_\_\_  
Firm Name \_\_\_\_\_  
Attorney for \_\_\_\_\_  
Address \_\_\_\_\_  
City & Zip Code \_\_\_\_\_  
Telephone \_\_\_\_\_  
E-mail \_\_\_\_\_

Dated: 11-24-21  
Entered: [Signature] Judge

ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY





This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts

<p><b>Instructions</b> ▼</p> <p>Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child.</p>	<input type="checkbox"/> <b>THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</b>	
<p>Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court.</p>	<p align="center"><b>APPEAL TO THE APPELLATE COURT OF ILLINOIS</b></p> <p>THIRD <input checked="" type="checkbox"/> District from the Circuit Court of Will <input checked="" type="checkbox"/> County</p>	
<p>If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee").</p>	<p>In re _____</p> <p><u>ROBERT COMMACHO JR., JAMES A. JONES,</u> <u>BRUCE D. OLIVER, DAVID B. SPEER, JORGE URBINA</u></p> <p>Plaintiffs/Petitioners (First, middle, last names)</p> <p><input checked="" type="checkbox"/> Appellants    <input type="checkbox"/> Appellees</p> <p>v.</p> <p><u>CITY OF JOLIET, an Illinois Municipal Corporation</u></p>	<p>Trial Court Case No.: <u>21MR1420</u></p> <p>Honorable <u>John C. Anderson</u> Judge, Presiding</p>
<p>To the far right, enter the trial court case number, the trial judge's name, and the Supreme Court Rule that allows the appellate court to hear the appeal.</p>	<p>Defendants/Respondents (First, middle, last names)</p> <p><input type="checkbox"/> Appellants    <input checked="" type="checkbox"/> Appellees</p>	<p>Supreme Court Rule: _____</p>

**NOTICE OF APPEAL**

In 1, check the type of appeal.

For more information on choosing a type of appeal, see *How to File a Notice of Appeal*.

**1. Type of Appeal:**

- Appeal
- Interlocutory Appeal
- Joining Prior Appeal
- Separate Appeal
- Cross Appeal

In 2, list the name of each person filing the appeal and check the proper box for each person.

**2. Name of Each Person Appealing:**

Name: ROBERT COMMACHO JR.

<i>First</i>	<i>Middle</i>	<i>Last</i>
<input checked="" type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant	
<b>OR</b>		
<input type="checkbox"/> Defendant-Appellant	<input type="checkbox"/> Respondent-Appellant	

#2 Additional Names of Each Person Appealing:

Name: BRUCE D. OLIVER

X Plaintiff-Appellant

Name: DAVID B. SPEER

X Plaintiff-Appellant

Name: JORGE URBINA

X Plaintiff-Appellant

Name: JAMES A. JONES  
First Middle Last

Plaintiff-Appellant  Petitioner-Appellant

OR

Defendant-Appellant  Respondent-Appellant

In 3, identify every order or judgment you want to appeal by listing the date the trial court entered it.

3. List the date of every order or judgment you want to appeal:

11/24/2021  
Date

Date

Date

In 4, state what you want the appellate court to do. You may check as many boxes as apply.

4. State your relief:

reverse the trial court's judgment (change the judgment in favor of the other party into a judgment in your favor) and  send the case back to the trial court for any hearings that are still required;

vacate the trial court's judgment (erase the judgment in favor of the other party) and  send the case back to the trial court for a new hearing and a new judgment;

change the trial court's judgment to say: \_\_\_\_\_

order the trial court to: \_\_\_\_\_

other: \_\_\_\_\_

and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address, telephone number, and email address, if you have one.

/s/ Frank P. Andreano 58 N. Chicago Steet, Ste. 509  
Your Signature Street Address

Frank P. Andreano, Attorney Joliet, Illinois 60432  
Your Name City, State, ZIP

Frank@iltrials.com (815) 242-2000 06202756  
Email Telephone Attorney # (if any)

Additional Appellant Signature  
/s/ \_\_\_\_\_  
Signature Street Address

\_\_\_\_\_  
Name City, State, ZIP

\_\_\_\_\_  
Email Telephone Attorney # (if any)

All appellants must sign this form. Have each additional appellant sign the form here and enter their complete name, address, telephone number, and email address, if they have one.

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**PROOF OF SERVICE (You must serve the other party and complete this section)**

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In 1b, check the box to show how you sent the document, and fill in any other information required on the blank lines.

In 1b, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the other options.

In c, fill in the date and time that you sent the document.

In 2, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

1. I sent this document:

a. To:

Name: CITY OF JOLIET, an Illinois Municipal Corporation  
*First Middle Last*

Address: 150 W. Jefferson Street, Joliet, Illinois 60432  
*Street, Apt # City State ZIP*

Email address: legal@joliet.gov

b. By:

- An approved electronic filing service provider (EFSP)
- Email (not through an EFSP)  
*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

Personal hand delivery to:

- The party
- The party's family member who is 13 or older, at the party's residence
- The party's lawyer
- The party's lawyer's office

Mail or third-party carrier

c. On: 12/03/2021  
*Date*

At: 3:00  a.m.  p.m.  
*Time*

2. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:

- An approved electronic filing service provider (EFSP)
- Email (not through an EFSP)  
*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

Personal hand delivery to:

- The party
- The party's family member who is 13 or older, at the party's residence
- The party's lawyer
- The party's lawyer's office

Mail or third-party carrier

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*



In 3, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

3. I sent this document:

a. To:

Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_

b. By:

An approved electronic filing service provider (EFSP)

Email (not through an EFSP)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

Personal hand delivery to:

The party

The party's family member who is 13 or older, at the party's residence

The party's lawyer

The party's lawyer's office

Mail or third-party carrier

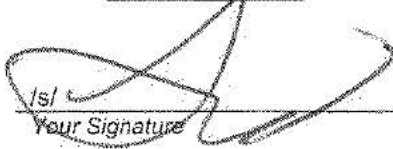
c. On: \_\_\_\_\_  
Date

At: \_\_\_\_\_  a.m.  p.m.  
Time

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

  
\_\_\_\_\_  
Your Signature

Frank P. Andreano  
\_\_\_\_\_  
Print Your Name

06202756  
\_\_\_\_\_  
Attorney # (if any)

FILED

2021 DEC 21 AM 11:15

CLERK, CIRCUIT COURT  
WILL COUNTY, ILLINOIS

**ANDREANO LAW PC**

*Trial Lawyers*

**ATTORNEYS – ADVOCATES – COUNSELORS AT LAW**

58 NORTH CHICAGO STREET, SUITE 509, JOLIET, IL 60432

TELEPHONE 815-242-2000 WEB ADDRESS WWW.ANDREANOLAW.COM

December 15, 2021

Hon. Andrea L. Chasteen  
Clerk of the Circuit Court  
Attn. Appeals Division  
100 West Jefferson St.  
Joliet, IL 60432

Re: *Robert Camacho, Jr., et al. v. City of Joliet, a Municipal Corporation*  
*Will County Case No. 2021 MR 1420*

Dear Madam Clerk,

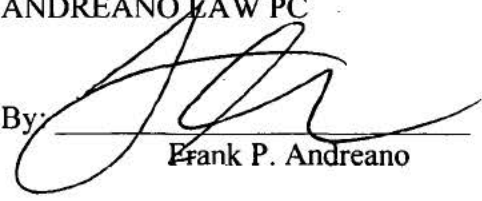
I have filed a notice of appeal in the above referenced matter on behalf of the Plaintiffs, Robert Commach, Jr., James A. Jones, Bruce D. Oliver, David B. Speer and Jorge Urbina. I kindly request that you prepare and transmit the record in this cause. I agree to pay any fee associated with this request, and I will submit any deposit or advance payment your office may require.

If you have any questions, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

ANDREANO LAW PC

By:



Frank P. Andreano

FPA/kz





STATE OF ILLINOIS  
THIRD DISTRICT APPELLATE COURT



**Matthew G. Butler**  
Clerk of the Court  
815-434-5050

1004 Columbus Street  
Ottawa, Illinois 61350  
AC3@IllinoisCourts.gov

December 28, 2021

Franklin Patrick Andreano  
Andreano Law PC  
58 N. Chicago Street, Suite 509  
Joliet, IL 60432

RE: Cammacho Jr., Robert, et al., v. City of Joliet  
General No.: 3-21-0591  
County: Will County  
Trial Court No: 21MR1420

The Docketing Statement in the above cause has been filed. The Court has entered an order setting forth the following due dates.

Report of Proceedings, Bystander's Report, or Agreed Statement of Facts due to be filed in the Trial Court (S. Ct. R. 323): 01/21/2022

Record on Appeal due in the Appellate Court (S. Ct. Rs. 325, 326): 02/04/2022

The parties will be notified of remaining due dates upon the filing of the Record on Appeal.

All persons involved in appellate work are properly concerned with the expeditious handling of appeals. Since there appears to be no reason this appeal cannot proceed according to the rules, the Court asks that you adhere to the timetable set forth in the above schedule. Extensions are not favored. Your cooperation is greatly appreciated.

Matthew G. Butler  
Clerk of the Appellate Court















c: Ms. Jennifer L. Danley  
Linda Rousonelos  
Todd Charles Lenzie  
Will County Circuit Court

129263  
STATE OF ILLINOIS  
TWELFTH JUDICIAL CIRCUIT COURT  
WILL COUNTY, ILLINOIS

<b>Case:</b> 2021MR001420	<b>Status:</b> Case On Appeal	<b>Opened:</b> 05/13/2021
<b>Title:</b> ROBERT CAMMACHO JR vs. JOLIET CITY OF		
<b>Type:</b> MISCELLANEOUS REMEDY	<b>File:</b> Certified Mailing Full Amount	<b>Closed:</b> 11/24/2021

**DOCKET**

**Event Date(s):** \*ALL  
**Sort Dates:** Ascending  
**Show Entries:** \*ALL  
**Events:** \*ALL  
**Ordering Judge(s):** \*ALL  
**Clerk(s):** \*ALL

Event Date Receipt No.	Image	Docket Entry
05/13/2021 052937643-01		<b>Summons Returned</b>
05/13/2021 052938364-01		<b>CERTIFIED MAILING FULL AMOUNT</b>
05/13/2021 052938365-01		<b>REVIEW OF ADMINISTRATIVE PROCEEDINGS</b>
05/13/2021 052938366-01		<b>COMPLAINT</b>  <i>Case Management - Tuesday, August 31, 2021 @ 9:00am, Courtroom A236, Judge CIVIL NON-JURY</i>
05/13/2021 052938366-02		<b>EXHIBIT(S)</b>
05/13/2021 052938366-03		<b>SUMMONS ISSUED</b>
06/02/2021 052937643-02		<b>Certificate</b>
06/02/2021 052937643-03		<b>Receipt</b>
07/06/2021 053083978-01		<b>NOTICE OF FILING</b>
07/06/2021 053083978-02		<b>APPEARANCE - NO FEE</b>
07/06/2021 053083978-03		<b>ANSWER/RESPONSE TO COMPLAINT/PETITION</b>
07/06/2021 053083978-04		<b>TRANSCRIPT</b>
07/06/2021 053083978-05		<b>TRANSCRIPT</b>
07/06/2021 053083978-06		<b>TRANSCRIPT</b>
08/31/2021 053332740-01		<b>DV - Status</b> Plaintiff present by Attorney, Frank Andreano. Defendant present by Attorney, Todd Lenzie. Cause comes on for initial case management. Matter is set for hearing. Order to be submitted electronically.  <i>Hearing - Friday, November 12, 2021 @ 9:30am, Courtroom A236, Judge CIVIL NON-JURY</i> <b>Judge:</b> ANDERSON JOHN C <b>Reporter:</b> ELECTRONIC RECORDING <b>Clerk:</b> KLA
09/01/2021 053334943-01		<b>Order FROM 8/31/21 PROCEEDINGS, RECEIVED THIS DATE.</b>
10/05/2021 053523930-01		<b>NOTICE OF FILING</b>

2021MR001420











Page 1 of 2

Created - Monday, January 31, 2022 @ 11:04am by DSMN

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129263  
STATE OF ILLINOIS  
TWELFTH JUDICIAL CIRCUIT COURT  
WILL COUNTY, ILLINOIS

Event Date Receipt No.	Image	Docket Entry
10/05/2021 053523930-02		<b>MEMORANDUM</b>
10/05/2021 053523930-03		<b>EXHIBIT(S)</b>
10/18/2021 053510625-01		<b>NOTICE OF FILING</b>
10/18/2021 053510625-02		<b>RESPONSE</b>
11/12/2021 053624471-01		<p><b>DV - Status</b> Plaintiff present by Attorney, Frank Andreano. Defendant present by Attorney, Todd Lenzie. Cause comes on for hearing. Matter is taken under advisement. Court to issue ruling by mail.</p> <p><i>CANCELLED - Status - Monday, January 24, 2022 @ 9:00am, Courtroom A236, Judge CIVIL NON-JURY</i></p> <p><b>Judge:</b> ANDERSON JOHN C <b>Reporter:</b> ELECTRONIC RECORDING <b>Clerk:</b> KLA</p>
11/12/2021 053631278-01		<b>ORDER</b>
11/24/2021 053679315-01		<p><b>DV - Status</b> Matter comes on for decision, having been taken under advisement. The court finds that the City of Joliet's decision is affirmed. Parties notified via email.</p> <p><b>Judge:</b> ANDERSON JOHN C <b>Reporter:</b> NO COURT REPORTER <b>Clerk:</b> KLA</p>
11/24/2021 053679315-02		<b>Order</b>
11/24/2021 053679315-03		<b>File is Closed / Dismissed</b>
12/03/2021 053748919-01		<b>NOTICE OF APPEAL FILED</b>
12/21/2021 053768929-01		<b>Request FOR PREPARATION OF THE RECORD ON APPEAL</b>
12/21/2021 053773947-01		<b>REQUEST FOR PREPARATION OF RECORD ON APPEAL</b>
12/30/2021 053797823-01		<b>Report of Proceedings 11/12/21 PREPARED BY STEVE VITHOULKAS</b>

# Illinois Official Reports

## Appellate Court



Digitally signed by  
Reporter of  
Decisions  
Reason: I attest to  
the accuracy and  
integrity of this  
document  
Date: 2023.04.21  
11:09:06 -05'00'

***Cammacho v. City of Joliet, 2022 IL App (3d) 210591***

Appellate Court Caption	ROBERT CAMMACHO JR., JAMES A. JONES, BRUCE D. OLIVER, DAVID B. SPEER, and JORGE URBINA, Plaintiffs-Appellants, v. THE CITY OF JOLIET, Defendant-Appellee.
District & No.	Third District No. 3-21-0591
Rule 23 order filed	November 15, 2022
Motion to publish allowed	December 2, 2022
Opinion filed	December 2, 2022
Decision Under Review	Appeal from the Circuit Court of Will County, No. 21-MR-1420; the Hon. John C. Anderson, Judge, presiding.
Judgment	Reversed.
Counsel on Appeal	Frank P. Andreano and Eric A. Cobb, of Andreano Law PC, of Joliet, for appellants.  Todd C. Lenzie, of Joliet, for appellee.

Panel JUSTICE PETERSON delivered the judgment of the court, with opinion.  
Justices Daugherty and Hettel concurred in the judgment and opinion.

## OPINION

¶ 1 Plaintiffs, Robert Cammacho Jr., James A. Jones, Bruce D. Oliver, David B. Speer, and Jorge Urbina, were cited for violating the defendant City of Joliet’s ordinance, which imposed weight limits for vehicles on designated roads. The citations were adjudicated through the City’s administrative process. The administrative hearing officer imposed fines against plaintiffs. The trial court affirmed the decision of an administrative officer. Plaintiffs appeal, contending that the City lacked jurisdiction to administratively adjudicate the violations in question. We reverse.

### ¶ 2 I. BACKGROUND

¶ 3 The City enacted ordinance 19-21, which provides: “[u]nless authorized in this division, it is unlawful to operate any vehicle in excess of twenty-four thousand (24,000) pounds (twelve (12) tons), or any vehicle with a gross vehicle weight rating greater than twenty-four thousand (24,000) pounds (12 tons), on any non-designated city road.” Joliet Code of Ordinances § 19-21 (amended Dec. 17, 2019). The City enforced this ordinance through a system of administrative adjudication.

¶ 4 Plaintiffs are commercial truck drivers who drove semitruck trailers on the City’s roadways in violation of the posted weight limit. The administrative hearing officer found plaintiffs liable for the violations and imposed a fine against each individual plaintiff.

¶ 5 Plaintiffs filed a complaint for administrative review in the trial court. Plaintiffs argued that the City lacked jurisdiction to adjudicate administrative compliance tickets for overweight offenses. Plaintiffs contended that the violations at issue were not subject to administrative adjudication under the Illinois Municipal Code. 65 ILCS 5/1-2.1-2 (West 2020). The trial court affirmed the administrative hearing officer’s decision. Plaintiffs appeal.

### ¶ 6 II. ANALYSIS

¶ 7 On appeal, plaintiffs contend that the trial court erred in affirming the decision of the administrative hearing officer. The facts are undisputed, and the issue presented is a question of law. Our review is *de novo*. *Griffin v. Village of New Lenox Police Pension Fund*, 2021 IL App (3d) 190557, ¶ 19.

¶ 8 Plaintiffs contend that the City lacked jurisdiction to administratively adjudicate violations of its overweight vehicle ordinance. Plaintiffs contend that the Illinois Municipal Code does not authorize the City to administratively adjudicate violations of the overweight ordinance.

¶ 9 As a home rule unit, the City “possess[es] the same powers as the state government, except where such powers are limited by the General Assembly.” *Johnson v. Halloran*, 194 Ill. 2d 493, 496-97 (2000). The City “may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State’s exercise to be

exclusive.” Ill. Const. 1970, art. VII, § 6(i). Section 1-2.1-2 of the Illinois Municipal Code authorizes systems of administrative adjudication of local code violations within the home rule authority of municipalities (65 ILCS 5/1-2.1-2 (West 2020)). See, e.g., *Catom Trucking, Inc. v. City of Chicago*, 2011 IL App (1st) 101146, ¶ 18. That power is not unlimited. Section 1-2.1-2 limits that authority by providing:

“Any municipality may provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution. A ‘system of administrative adjudication’ means the adjudication of any violation of a municipal ordinance, except for (i) proceedings not within the statutory or the home rule authority of municipalities; and (ii) any offense under the Illinois Vehicle Code [(65 ILCS 5/1-100 *et seq.* (West 2008))] or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code [(65 ILCS 5/6-204 (West 2008))].” 65 ILCS 5/1-2.1-2 (West 2020).

At issue here is subsection (ii). It creates an exception to the general authority that a municipality has to create a system of administrative adjudication. It prohibits a municipality from creating an administrative adjudication system for “any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.” *Id.* The parties dispute whether subsection (ii) creates one or two exceptions for the types of offenses a municipality is prohibited from adjudicating administratively.

¶ 10 The First District considered this question and found that subsection (ii) creates two exceptions. See *Catom*, 2011 IL App (1st) 101146, ¶¶ 15-16. *Catom* involves similar facts to this case. There, the City of Chicago passed an ordinance requiring a special permit for overweight vehicles to be “operated or moved upon” any street or highway. (Internal quotation marks omitted.) *Id.* ¶ 18. The court in *Catom* determined that the proper reading of subsection (ii) is that it excludes “any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles,” as well as “any reportable offense under Section 6-204 of the Illinois Vehicle Code.” (Internal quotation marks omitted.) *Id.* ¶ 16. Construing the statutory language as a whole, the court concluded that subsection (ii) recognized that not every violation of the Vehicle Code or similar regulation governing the movement of vehicles is a reportable offense. *Id.* We agree with *Catom* and adopt its reasoning.

¶ 11 In reaching this conclusion, we reject the City’s argument that we should not follow *Catom*. The City maintains that *Catom* ignored the significance of the word “and” in subsection (ii). According to the City, the proper reading of subsection (ii) is that it may provide for administrative adjudication except for reportable offenses that are traffic regulations governing the movement of vehicles. In other words, the City contends that subsection (ii) contains only one exception. We are not persuaded. *Catom* rejected this same argument. It found that such an interpretation rendered “superfluous the words ‘except for any’ in [the] last sentence of subsection (ii).” *Id.* ¶ 15. The court reasoned that if the legislature intended for that interpretation, it “could have stated ‘any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and \*\*\* reportable \*\*\* under Section 6-204 of the Illinois Vehicle Code.’” *Id.* (quoting 65 ILCS 5/1-2.1-2(ii) (West 2008)). Since the legislature did not write subsection (ii) in that form, the court rejected the

City's argument. We agree with *Catom* and will not depart from its interpretation of subsection (ii).

¶ 12 Having found that subsection (ii) creates two exceptions, we must consider whether the City's overweight vehicle ordinance falls within one of the two exceptions. First, we consider whether the overweight ordinance governs "any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles." 65 ILCS 5/1-2.1-2(ii) (West 2020). There is no dispute that the Illinois Vehicle Code prohibits the movement of overweight vehicles. 625 ILCS 5/15-111 (West 2020). Therefore, we must determine whether the City's overweight vehicle ordinance is a "traffic regulation governing the movement of vehicles." Upon review, we find the City's overweight vehicle ordinance governs the movement of vehicles. Consequently, the City lacked jurisdiction to administratively adjudicate violations of this ordinance. We need not consider whether violations of the ordinance are reportable offenses.

¶ 13 *Catom* considered this same question. There, the City of Chicago argued that the overweight restrictions did not regulate the movement of vehicles. Instead, Chicago argued that the ordinance only prohibited the operation (not movement) of overweight vehicles. The court rejected this argument. First, it noted that the language of the ordinance regulated whether overweight vehicles could be "operated or *moved upon*" the streets. (Emphasis in original and internal quotation marks omitted.) *Catom*, 2011 IL App (1st) 101145, ¶ 18. Chicago's municipal code also defined violations of the weight limits as "traffic violations." *Id.* Further, the violations at issue in *Catom* did not involve parking or standing violations. Plaintiff, like those in this case, was cited while driving its overweight vehicles. The court concluded that Chicago's overweight vehicle restrictions governed the movement of vehicles. Therefore, the court held that the alleged violations could not be administratively adjudicated.

¶ 14 We agree with *Catom* and conclude that the overweight vehicle ordinance in this case cannot be administratively adjudicated. The ordinance restricts the movement of vehicles by regulating the weight limits on the City's streets. It necessarily governs the movement of vehicles by placing restrictions on which of those roads certain vehicles may travel. Consequently, the administrative hearing officer lacked jurisdiction to adjudicate the violations, and the trial court erred in affirming the administrative hearing officer's decision. We reverse the trial court's judgment.

¶ 15 In reaching this conclusion, we reject the City's attempt to distinguish the facts of this case from *Catom*. The City notes that the ordinance in this case does not include the term "moved upon," whereas the ordinance in *Catom* did. The City argues that the ordinance does not regulate the movement of vehicles since it does not employ the words "moved upon." In addition, the City distinguishes *Catom* by noting that the Chicago code defined violations as traffic violations and the City's code does not. In the City's view, the overweight restriction concerns the condition of the vehicle, not the movement of the vehicle.

¶ 16 These distinctions do not change the result. Here, the City also passed an ordinance creating specific truck routes. See Joliet Code of Ordinances § 19, div. 2 (adopted Dec. 1, 2015). The City empowered local police to require any person "*driving* or in control of any vehicle not *proceeding* over a truck route or street over which truck *traffic* is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this division has been complied with." (Emphases added.) Joliet Code of Ordinances § 19-17 (adopted Dec. 1, 2015). The designated routes restrict where drivers may travel in their

vehicles. Plaintiffs were not cited while their vehicles were parked or standing. Plaintiffs were issued violations for driving their overweight vehicles on restricted roads. Accordingly, the overweight vehicle ordinance governs the movement of vehicles.

¶ 17

### III. CONCLUSION

¶ 18

For the foregoing reasons, we reverse the judgment of the circuit court of Will County.

¶ 19

Reversed.



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THIRD JUDICIAL DISTRICT  
FROM THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
WILL COUNTY, ILLINOIS

ROBERT CAMMACHO, JR., JAMES A.  
JONES, BRUCE D. OLIVER, DAVID B.  
SPEER, JORGE URBINA

Plaintiff/Petitioner

Reviewing Court No: 3-21-0591

Circuit Court/Agency No: 2021MR001420

Trial Judge/Hearing Officer: JUDGE ANDERSON

v.

CITY OF JOLIET

Defendant/Respondent

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