

**ORDINANCE NO. 18-2017**

**AN ORDINANCE AMENDING CHAPTER 13, VEHICLES AND  
TRAFFIC, ARTICLE XIII, AUTOMATED TRAFFIC LAW  
ENFORCEMENT SYSTEM, BY CHANGING SECTION 13-504,  
VIOLATION NOTICE, AND SECTION 13-505, HEARING, OF  
THE EVERGREEN PARK MUNICIPAL CODE**

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Mayor

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CATHERINE T. APARO  
Village Clerk

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Village Attorney

**ORDINANCE NO. 18-2017**

**AN ORDINANCE AMENDING CHAPTER 13, VEHICLES AND TRAFFIC, ARTICLE XIII, AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM, BY CHANGING SECTION 13-504, VIOLATION NOTICE, AND SECTION 13-505, HEARING, OF THE EVERGREEN PARK MUNICIPAL CODE**

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

**Section 1**

That Chapter 13, Vehicles and Traffic, Article XIII, Automated Traffic Law Enforcement System, of the Evergreen Park Municipal Code, be amended by changing Section 13-504, Violation Notice, to read as follows:

**“Sec. 13-504. Violation Notice.**

(a) When the automated traffic law enforcement system records a motor vehicle violating section 13-503 of this article, the Administrator shall issue a written violation notice to the registered owner of the vehicle, which shall be mailed within thirty (30) days after the Illinois Secretary of State notifies the Village of the identity of the registered owner of the vehicle, and in no event later than ninety (90) days following the violation. If any notice to an addressee is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner of the cited vehicle. The second notice shall be made *via* first class mail postage prepaid. Service shall be complete on the date the notice is placed in the United States mail.

...

- (d) The violation notice shall include the following information:
- (i) the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;
  - (ii) the make (only if discernable) and registration number of the motor vehicle involved in the violation;
  - (iii) the violation charged;
  - (iv) the location where the violation occurred;
  - (v) the date and time of the violation;

- (vi) a copy of the recorded images;
- (vii) the amount of the civil fine imposed, and the date on which the civil fine should be paid;
- (viii) a statement that recorded images constitute *prima facie* evidence of a violation;
- (ix) a statement that a failure to pay the civil fine, or to contest liability in a timely fashion, is an admission of liability and may result in the suspension of driving privileges of the registered owner of the vehicle, as well as the imposition of additional penalty of \$100 for failure to pay the original fine in a timely manner;
- (x) a statement that the person may elect to proceed by paying the fine or challenging the charge at the administrative hearing;
- (xi) a statement that the payment of any fine, and the payment of any applicable penalty for late payment, shall operate as a final disposition of the violation;
- (xii) a statement of how an administrative hearing may be requested; and
- (xiii) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

...”

## Section 2

That Chapter 13, Vehicles and Traffic, Article XIII, Automated Traffic Law Enforcement System, of the Evergreen Park Municipal Code, be amended by changing Section 13-505, Hearing, to read as follows:

**“Sec. 13.505. Hearing.**

...

(c) Individuals who have been served with a Notice of Violation may contest the validity of the violation, using the same available defenses as stated above, without personally appearing at the administrative hearing. To do so, the individual must complete, in full, the “Request for Hearing – Non-Appearance” portion of the Notice of Violation. Additionally, the individual shall submit a notarized statement of the facts that he is relying upon to establish any one of the defenses referenced in section 13-503 of this article. The individual may also submit documentary evidence to be considered by the Hearing Officer. By signing the “Request for Hearing – Non-Appearance” portion of the Notice of Violation, the individual acknowledges that he is waiving the right to appear personally before the Hearing Officer.

Any individual wishing to avail himself of this section must submit the "Request for Hearing – Non-Appearance," and any other documentation to be considered by the Hearing Officer, to the Village, by the respond-by date listed on the Notice of Violation. The Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination. The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed, any additional documentary evidence, and the facts contained in the Notice of Violation. Notice of the determination of the Hearing Officer shall be served *via* first class mail, postage prepaid, addressed to the addressed to the registered owner at the address listed on the Illinois Secretary of State database. Service of the notice shall be complete on the date the notice is placed in the United States mail. Any individual may seek review of the Hearing Officer's determination through the mechanisms provided in this article.

..."

### Section 3

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

### Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

### Section 5

This ordinance shall be immediately in full force and effect after passage, approval and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 6<sup>th</sup> day of November, 2017.



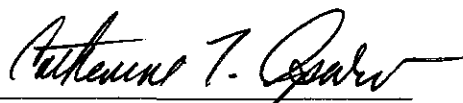
*Catherine T. Aparo*

CATHERINE T. APARO, Village Clerk

APPROVED by me this 6<sup>th</sup>  
day of November, 2017.

*James J. Sexton*  
\_\_\_\_\_  
JAMES J. SEXTON, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Evergreen Park, in accordance with law, this 6<sup>th</sup> day of November, 2017.

A handwritten signature in black ink, appearing to read "Catherine T. Aparo". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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CATHERINE T. APARO, Village Clerk