

ORDINANCES PERTAINING TO CHAPTER 7

OTHER DEPARTMENTS

<u>ORDINANCE</u>		<u>DATE PASSED</u>
00-048	Providing for Administrative Adjudication of Certain Ordinance Violations	03.28.00
00-184	Amending Administrative Adjudication of Ordinance Violations	
05-067	Amending Chapters 7 & 17 Re Unpaid Parking Ticket Enforcement	06.14.05
07-021	New Article 6 re Automated Traffic Law Enforcement Systems and for Administrative Adjudication of Violations	07.27.07
07-098	Amending Chapter 7 Re Additional Automated Traffic Law Enforcement Locations	08.28.07

CHAPTER 7 -- ADMINISTRATIVE ADJUDICATION

		<u>Page</u>
<u>ARTICLE 1</u>	<u>CODE HEARING DEPARTMENT</u>	
Sec. 7-101	DEPARTMENT ESTABLISHED	7-1
7-102	APPOINTMENTS	7-1
7-103	COMPENSATION	7-1
<u>ARTICLE 2</u>	<u>ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING, PARKING, AND COMPLIANCE VIOLATIONS</u>	
Sec. 7-201	PURPOSE	7-2
7-202	DEFINITIONS	7-2
7-203	ADMINISTRATION	7-2
7-204	PROCEDURES	7-3
7-205	ADDITIONAL NOTICE	7-4
7-206	NOTICE OF FINAL DETERMINATION	7-5
7-207	FINAL DETERMINATION OF LIABILITY	7-6
7-208	PETITION TO SET ASIDE DETERMINATION OF LIABILITY	7-6
7-209	NON-RESIDENT PROCEDURES	7-7
7-210	SCHEDULE OF FINES/PENALTIES	7-8
7-211	CERTIFIED REPORT AND CONTESTING CERTIFIED REPORT	7-8
7-211.1	TOW/IMPOUNDMENT LIST	7-8
7-212	ENFORCEMENT OF JUDGMENT	7-9
<u>ARTICLE 3</u>	<u>ADMINISTRATIVE ADJUDICATION OF BUILDING AND HOUSING VIOLATIONS</u>	
Sec. 7-301	PURPOSE	7-10
7-302	DEFINITIONS	7-10
7-303	PROCEDURES	7-10
7-304	DEFAULT	7-11
7-305	EVIDENCE AT HEARING	7-11
7-306	RETALIATORY ACTION AGAINST OCCUPANTS PROHIBITED	7-11
7-307	DEFENSES TO CODE VIOLATIONS	7-11
7-308	DECISION	7-12
7-309	FINES AND SANCTIONS	7-12
7-310	ENFORCEMENT OF JUDGMENT	7-12
7-311	SANCTIONS APPLICABLE TO OWNER, PROPERTY	7-13
7-312	FEDERAL GOVERNMENT CONTRACTS - MAINTENANCE OF PROPERTY - PENALTIES	7-13
<u>ARTICLE 4</u>	<u>ADMINISTRATIVE ADJUDICATION OF ORDINANCE VIOLATIONS</u>	
Sec. 7-401	PURPOSE	7-14
7-402	DEFINITIONS	7-14
7-403	PROCEDURES	7-14
7-404	DEFAULT	7-15
7-405	EVIDENCE AT HEARING	7-15
7-406	DECISION	7-15
7-407	ENFORCEMENT OF JUDGMENT	7-16
<u>ARTICLE 5</u>	<u>ADMINISTRATION</u>	
Sec. 7-501	APPLICABILITY	7-17
7-502	HEARING OFFICER	7-17
7-503	ADMINISTRATIVE HEARINGS	7-17
7-504	ADMINISTRATIVE REVIEW LAW TO APPLY	7-17
7-505	ADMINISTRATIVE REMEDIES NOT EXCLUSIVE	7-18

CHAPTER 7 -- ADMINISTRATIVE ADJUDICATION

		<u>Page</u>
<u>ARTICLE 7</u>	<u>AUTOMATED TRAFFIC LAW ENFORCEMENT ADJUDICATION</u>	
Sec. 7-601	DEFINITIONS	7-19
7-602	SYSTEM LOCATIONS	7-19
7-603	DUTIES OF THE ADMINISTRATOR	7-20
7-604	VIOLATION NOTICES	7-20
7-605	DETERMINATION OF VIOLATIONS	7-20
7-606	HEARING PROCEDURES	7-20
7-607	FINAL DETERMINATION OF VIOLATIONS	7-20
7-608	PETITION FOR REVIEW	7-21
7-609	SUSPENSION NOTICE	7-21
7-610	APPEAL OF SUSPENSION NOTICE	7-21
7-611	NONAPPEARANCE PROCEDURES	7-21
7-612	PENALTY	7-22

CHAPTER 7 -- OTHER DEPARTMENTS

ARTICLE 1 -- CODE HEARING DEPARTMENT

Section 7-101. DEPARTMENT ESTABLISHED

(A) There is hereby established a Code Hearing Department, the function of which is to expedite the adjudication of code and ordinance violations in the manner set out in State statutes and in this Chapter.

(B) The adoption of this Chapter does not preclude the Village from using other lawful methods to enforce the provisions of its codes and ordinances.

Section 7-102. APPOINTMENTS. The Village Administrator is hereby authorized to appoint persons to hold the Hearing Officer and other positions set forth in Articles 2, 3 and 4 hereof and such other positions as may be necessary or desirable for the efficient operation of the Code Hearing Department. One person may hold and fulfill the requirements of one or more of said positions. Hearing Officers shall meet the requirements of 65 ILCS 5/1-2.1-4(c).

Section 7-103. COMPENSATION. Compensation to be paid for the positions established within this Chapter shall be as determined by the Village Board.

ARTICLE 2 - ADMINISTRATIVE ADJUDICATION OF VEHICULAR STANDING, PARKING AND COMPLIANCE VIOLATIONS

Section 7-201. PURPOSE. The purpose of this Article is to provide a means for fair and efficient enforcement of Village vehicular standing, parking, and condition of vehicle regulation violation(s) and other Village regulation violations(s) as may be allowed by law, through an administrative adjudication of such violation(s) within the geographic boundaries of the Village and a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties pursuant to Section 11-208.3 of the Motor Vehicle Code (625 ILCS 5/11-208.3).

Section 7-202. DEFINITIONS. For the purposes of this Article, the following words or phrases shall have the meanings respectively ascribed to them by this Section:

COMPLIANCE VIOLATION: a violation of a Village regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal vehicle tax license.

NON-MOVING TRAFFIC VIOLATION: (1) a violation of any vehicular standing or parking ordinance or regulation of the Village or (2) a compliance violation.

Section 7-203. ADMINISTRATION. The system of administrative adjudication of vehicular standing, parking, and compliance regulation violations shall provide for a Traffic Compliance Administrator with the power, authority and limitations as are hereinafter set forth to:

(A) Operate and manage the system of administrative adjudication of vehicular standing, parking and compliance regulation violation(s).

(B) Adopt, distribute and process standing, parking, and compliance violation notices and other notices as may be required under this Article 2 or as may be reasonably required to carry out the purpose of this Chapter.

(C) Collect monies paid as fines and/or penalties assessed after a final determination of vehicular standing, parking, or compliance regulation violation(s) liability.

(D) Certify copies of final determination(s) of standing, parking, and compliance regulation violation(s) liability and factual report(s) verifying that the final determination of standing, parking, and compliance regulation violation(s) liability issued in accordance with this Article and with 625 ILCS 5/11-208.3.

(E) Certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Article 3, as hereinafter set forth, and those of 625 ILCS 5/6-306.5.

(F) Review final determination(s) of vehicular standing, parking, and compliance regulation violation(s) liability and validity of notices of impending drivers license suspension in an administrative review capacity in accordance with the provisions of this Article 2, as hereinafter set forth.

(G) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.

(H) Collect unpaid fines and penalties through collection agencies or by directing the Village Attorney to file complaints in the Circuit Court seeking judgements for unpaid fines or penalties and pursuit of all post-judgment remedies available by law.

Section 7-204. PROCEDURES. The system of administrative adjudication of vehicular standing, parking, and compliance regulation violations shall be in accordance with the following procedures. Final determinations of vehicular standing, parking, and compliance regulation violation(s) liability, validity of notice of impending impoundment, validity of notice of impending drivers license suspension, and collections shall be made only in accordance with the provisions set forth below:

(A) Non-Moving Traffic Violation Notice. Vehicular standing, parking, and compliance regulation violations notice(s) ("non-moving traffic violation notice(s)") shall be issued by the person(s) authorized herein and shall contain information and shall be served, certified and have evidentiary admissibility as is hereinafter set forth.

(B) Authorization. All full-time, part-time, and auxiliary police and community service officers, as well as other specifically appointed individuals, shall have the authority to issue non-moving traffic violation notices.

(C) Detection of Non-Moving Traffic Violations. Any individual authorized herein to issue violation notices and who detects a non-moving traffic violation of any section of any applicable Village ordinance, shall issue a notice of non-moving traffic violation thereof and shall make service thereof as hereinafter set forth.

(D) Contents of Non-moving Traffic Violation Notice. The non-moving traffic violation notice shall contain, but shall not be limited to, the following information: (Amended in its entirety by Ordinance No. 00-184, 12.19.00)

- (1) The date, time and place of the violation (date of issuance).
- (2) The particular vehicular standing, parking, or compliance regulation violated.
- (3) Either the vehicle make and state registration number or the license number of the vehicle.
- (4) The fine and any penalty which may be assessed for late payment prior to the hearing date.
- (5) The signature and identification number of the person issuing the notice.
- (6) A section entitled "Request for Hearing" which shall clearly set forth that the registered owner or lessee may appear at the initial administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the violation notice by:
 - (a) Checking or placing a mark in a space provided and clearly identified, "Request for Hearing".
 - (b) Placing his/her name and current address in the place provided.

(c) Signing his/her name in the appropriate indicated place.

(d) Filing the violation notice with the "Request for Hearing" portion completed, with the Traffic Compliance Administrator days of the violation notice issuance. The request upon receipt by the Traffic Compliance Administrator.

fully postmarked within 10 days of the violation notice issuance. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator.

(7) That payment of the indicated fine and any late payment penalty shall operate as a final disposition of the violation.

(E) Service. Service of violation(s) notice(s) shall be made by the person issuing such notice by:

(1) Affixing the original or a facsimile of the notice to an unlawfully standing or parked or non-complying vehicle, or

(2) Handing the notice to the registered owner, operator or lessee to the vehicle, if present.

(F) Certification. The correctness of facts contained in the vehicular standing, parking, or compliance regulation violation notice(s) shall be certified by the person issuing said notice by:

(1) Signing his/her name to the notice(s) at the time of service, or

(2) In the case of a notice produced by a computer device, by signing a certificate, to be kept by the Traffic Compliance Administrator, the correctness of all notices produced by the device while under his/her control.

(G) Record of Notice. The original or a facsimile of the violations notice(s) shall be retained by the Traffic Compliance Administrator and kept as a record in the ordinary course of business.

(H) Prima Facie Evidence of Correctness. Any violations notice(s) issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

(I) Admissibility. The violations notice(s) or a copy(s) shall be admissible in any subsequent administrative or legal proceeding.

(J) Upon receipt of a request for a hearing, the Traffic Compliance Administrator shall schedule a date for the hearing and shall provide written notice of the hearing date to the registered owner or lessee of the vehicle who has requested the hearing. (Ordinance No. 00-184, 12.19.00)

(K) A nonresident registered owner or lessee may appear at the initial administrative hearing to contest the validity of the violation notice without personally appearing by following the procedures set forth in Section 7-209. (Ordinance No. 00-184, 12.19.00)

(L) If the registered owner or lessee of the vehicle either fails to request a hearing or fails to pay the fine, the Traffic Compliance Administrator shall send a Final Parking/Code Violation Notice to the registered owner or lessee of the vehicle as provided in Section 7-205 hereof. (Ordinance No. 00-184, 12.19.00)

Section 7-205. FINAL NOTICE. (Amended in its entirety by Ordinance No. 00-184, 12.19.00) Upon the failure of the registered owner or lessee of the "cited vehicle" to request a hearing set forth in the vehicular standing, parking, or compliance regulation violations notice(s), or pay the fine, a final notice:

(A) Shall be sent to the registered owner or lessee of the "cited vehicle" at the address as is recorded with the Secretary of State.

(B) Shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease.

(C) Shall be sent by first class mail, postage prepaid.

(D) Service of the final notice sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

(E) The final notice sent in accordance herewith shall contain, but not be limited to, the following information:

(1) Date and location of violation cited in the vehicular standing, parking, or compliance regulation violations notice(s).

(2) Particular standing, parking, or compliance regulation violated.

(3) Vehicle make and state registration or license number.

(4) Fine and any penalty that may be assessed for late payment.

(5) Notice to the registered owner or lessee of their current status, other than paid in full.

(6) Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.

(7) Statement that failure to either pay fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of vehicle standing, parking, or compliance regulation violations liability for the "cited" violation in the amount of the fine and penalty indicated, which final determination shall constitute a debt due and owing the Village.

Section 7-206. NOTICE OF FINAL DETERMINATION.

(A) A notice of final determination of vehicular standing, parking, or compliance regulation violations liability shall be sent following an appearance by the violator and a determination of liability, or the failure to appear by the violator by the final hearing date upon conclusion of any review, as is hereinafter set forth in Section 7-208, and the notice shall contain, but not be limited to, the following information and warnings:

(1) A statement that the unpaid fine and any penalty assessed is a debt due and owing the Village.

(2) A warning that failure to pay the fine and any penalty due and owing the Village within the time specified may result in the Village's use of a collection agency or the Village's filing a Complaint in the Circuit Court to have the unpaid fine or penalty rendered a Judgment in accordance with 625 ILCS 5/11-208.3(f), incorporated herein by reference. (Ordinance No. 00-184, 12.19.00)

(3) A warning that the person's drivers license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 ILCS 5/6-306.5, incorporated herein by reference.

(B) A notice of impending suspension of a person's drivers license shall also be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing or parking regulation violations:

(1) The notice shall state that the failure to pay the fine or penalty owing within forty-five (45) days of the date of the notice will result in the Village's notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 ILCS 5/6-306.5 incorporated herein by reference and Section 7-211 of this Article.

(2) 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 along with a request for the photostatic copy.

(3) The notice of impending drivers license suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State.

Section 7-207. FINAL DETERMINATION OF LIABILITY. A final determination of vehicular standing, parking, or compliance regulation violations liability shall:

(A) Occur following the failure to pay the total assessed fine or penalty after the Hearing Officer's determination of vehicular standing, parking, or compliance regulation violation(s) liability and the exhaustion of or the failure to exhaust the administrative petition procedure set forth in Section 7-208, or

(B) Where a person fails to appear at a prior hearing or by the final administrative hearing provided to contest the alleged violations on the date and at the time and place specified in a prior served or mailed notice, the Hearing Officer's determination of vehicular standing, parking, or compliance regulation violation(s) liability shall become final:

(1) Upon denial of a timely petition to set aside that determination, or

(2) Upon the expiration of the period for filing petition without a filing having been made.

Section 7-208. PETITION TO SET ASIDE DETERMINATION OF LIABILITY. A petition to set aside a determination of vehicular standing, parking, or compliance regulation

violations liability may be filed by a person owing an unpaid fine or penalty in the manner and subject to the restrictions and grounds hereinafter set forth:

(A) A written petition to set aside a determination of liability must be filed in the office of the Traffic Compliance Administrator within, but not later than, fourteen (14) days from the date the determination of liability is made.

(B) The Traffic Compliance Administrator shall act upon the petitions filed and render a decision thereon within fourteen (14) days of the date filed.

(C) The grounds for setting aside a determination of liability shall be limited to the following:

(1) The person against whom the determination of liability is made was not the owner or lessee of the "cited vehicle" on the date the vehicular standing, parking, or compliance regulation violations notice(s) were issued.

(2) The person's having already paid the fine or penalty for the violations in question.

(3) Excusable failure to appear at or request a new date for a hearing.

(D) Should the determination of liability be set aside, the Traffic Compliance Administrator shall:

(1) Notify the registered owner, or lessee, as the case may be, that the determination of liability has been set aside.

(2) Notify the registered owner, or lessee, as the case may be, of a date, time and place, for a hearing on the merits of the violation for which determination of liability has been set aside, as appropriate.

(3) Notice of setting aside of the determination of liability and the notice of the hearing date shall be by first class mail, postage prepaid, to the address set forth on the petition to set aside the determination of liability.

(4) Service of the notice shall be complete on the date the notice(s) are deposited in the United States mail.

Section 7-209. NON-RESIDENT PROCEDURES. Non-residents of the Village who have been served vehicular standing, parking, or compliance regulation violations notice(s) or Code or ordinance violation notices in accordance with this Chapter may contest the alleged violation on its merits, as could a resident, or may contest the validity without personally appearing at an administrative hearing by:

(A) Requesting a "Non-Resident Request for Hearing" form from the Traffic Compliance Administrator after receiving the Final Notice as provided in Section 7-205. (Ordinance No. 00-184, 12.19.00)

(B) Signing the Non-Resident Request for hearing in the space specified in the violation notice or citation and acknowledging that his/her personal appearance is waived and submitting to an adjudication based upon the notarized statement filed by him/her and the facts contained in the notice or citation.

(C) Filing the violation notice or citation with the "Request for Hearing" section fully completed with the Code Hearing Department postmarked within ten (10) days of the violation notice issuance. The request shall be deemed filed upon receipt by the Code Hearing Department.

(D) Filing a notarized statement of facts specifying the grounds for challenging the violation notice or citation which must be filed with the Code Hearing Department postmarked within ten (10) days of the violation notice issuance. The request shall be deemed filed upon receipt by the Code Hearing Department.

(E) The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed by the non-resident and the facts as contained in the violation notice or citation.

(F) Notice of the determination of the Hearing Officer shall be served upon the non-resident by first class mail, postage prepaid, addressed to the non-resident at the address set forth in the statement of facts submitted.

(G) Service of the notice shall be complete on the date the notice is placed in the United States mail.

(H) All other provisions of this Chapter shall apply equally to non-residents of the Village.

Section 7-210. FINES/PENALTIES. (Amended in its entirety by Ordinance No. 00-184, 12.19.00) The fines and penalties which shall be imposed for the violation of vehicular standing, parking, or compliance regulation violations shall be as set forth in the codes and ordinances of the Village.

Section 7-211. CERTIFIED REPORT AND CONTESTING CERTIFIED REPORT.

(A) Upon a failure to pay fines and penalties deemed due and owing the Village after the exhaustion of administrative procedures set forth herein for ten (10) or more vehicular parking regulation violations, the Traffic Compliance Administrator shall make a certified report to the Secretary of State in the manner provided by 625 ILCS 5/6-306.5 stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the Village as a result of ten (10) or more violations of Village's vehicular standing or parking regulations and thereby cause the suspension of the driver's license of that person.

(B) The Traffic Compliance Administrator shall take no further action unless and until the fines and penalties due and owing the Village are paid or upon determination that the inclusion of the persons name on the Certified Report was in error. In such event, the Traffic Compliance Administrator shall submit to the Secretary of State a notification which shall result in the halting of a driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.

(C) Persons may challenge the accuracy of the Certified Report by completing a form provided by the Office of the Traffic Compliance Administrator. The form shall specify the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:

(1) The person was neither the owner nor the lessee of the vehicle (so receiving ten (10) or more violation notices on the date or dates such notices were issued); or

(2) The person has paid the fine and/or penalty for the ten (10) or more violations indicated on the Certified Report.

(D) The Traffic Compliance Administrator shall render a determination within fourteen (14) business days of receipt of the objection from and shall notify the objector of the determination.

SECTION 7-211.1. TOW/IMPOUNDMENT LIST. (Added in its entirety by Ordinance 05-067, 06.14.05) Upon the registered owner's failure to pay fines and penalties deemed due and owing the Village with respect to ten (10) or more non-moving traffic violations, either after failure of the registered owner of the vehicle(s) to appear at administrative adjudication proceedings or after the exhaustion of administrative remedies set forth herein, the Traffic Compliance Administrator shall include the registered owner's vehicle(s) on the Village Tow/Impoundment List. Provided, however, the vehicle(s) shall not be included on the Tow/Impoundment List until the Traffic Compliance Administrator has, at least twenty-one (21) days previously thereto provided the notice to the registered vehicle owner as hereafter set forth by certified mail, return receipt requested. The notice shall include:

(A) The name and address of the registered owner;

(B) The state registration number of the motor vehicle(s);

(C) A description of the non-moving traffic violations for which the owner has been cited, together with the serial numbers and dates on which the outstanding citations were issued;

(D) Information advising the owner that he/she has the opportunity to appear in person in order to challenge the impending towing/impoundment of the vehicle(s) on the following grounds (which are not exclusive):

(1) That the person receiving notice was not the owner or lessee of the vehicle(s) on the date or dates the parking citations were issued;

(2) That the owner has paid the fines or penalties for the citations in question;

or

(3) That the owner has not in fact failed to appear upon or pay ten or more citations.

The Traffic Compliance Administrator shall render a determination within fourteen (14) business days of receipt of the objection from the objector and shall notify the objector of the determination.

If no objection is made or if an objection is denied, the Traffic Compliance Administrator shall cause the vehicle(s) to be placed on the Towing/Impoundment List, and the vehicle(s) shall thereupon be eligible for towing and impoundment as provided in Chapter 17, Article 15 of this Municipal Code.

Section 7-212. ENFORCEMENT OF JUDGMENT.

(A) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies under this Article and the conclusion of any judicial review procedures shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.

(B) After expiration of the period within which a petition for judicial review under Section 7-504 may be sought for a final determination of the parking, standing or compliance violation, the Village may utilize the services of a collection agency or may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Chapter shall prevent the Village from consolidating multiple final determinations of parking, standing, or compliance violation against a person in a proceeding. Upon commencement of the action, the Village shall file a certified copy of the final determination of parking, standing, or compliance 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 Chapter and applicable state law. 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 or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determination of parking, standing or compliance violations does not exceed two thousand five hundred dollars (\$2,500.00). (Ordinance No. 00-184, 12.19.00)

ARTICLE 3 -- ADMINISTRATIVE ADJUDICATION OF BUILDING AND HOUSING VIOLATIONS

Section 7-301. PURPOSE. The purpose of this Article is to provide a means for fair and efficient enforcement of construction, plumbing, heating, electrical, fire prevention, sanitation and other health and safety code violations as may be allowed by law, through an administrative adjudication of violation(s) of Village ordinances within the geographic boundaries of the Village and a schedule of uniform fines and penalties and authority and procedures for collection of unpaid fines and penalties. The Village hereby adopts Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1 et seq.).

Section 7-302. DEFINITIONS. For the purposes of this Article, the following words or phrases shall have the meanings respectively ascribed to them by this Section:

CODE: Any Village ordinance, law, housing, building code or other ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures within the Village, including without limitation Chapters 25, 26 and 27 of the Bolingbrook Municipal Code.

BUILDING INSPECTOR: A Village employee whose duties include the inspection or examination of structures or property in the Village to determine if Code violations exist.

BUILDING OWNER: The legal or beneficial owner of a structure.

HEARING OFFICER: A Village employee or an officer or agent of the Village, other than a property inspector or law enforcement officer, whose duty it is to:

- Code (1) Preside at an administrative hearing called to determine whether or not a violation exists;
- building (2) Hear testimony and accept evidence from the property inspector, the owner and all interested parties relevant to the existence of a Code violation;
- evidence (3) Preserve and authenticate the record of the hearing and all exhibits and introduced at the hearing;
- Code (4) Issue and sign a written finding, decision and order stating whether a violation exists.

Section 7-303. PROCEDURES. The system of administrative adjudication of Code violations shall be in accordance with the following procedures, and final determinations of Code violation(s) liability shall be made only in accordance with the provisions set forth below:

(A) **Detection of Violations.** When a building inspector finds a Code violation while inspecting a property, he/she shall note the violation on a multiple copy violation notice and report form.

(B) **Contents of Violation Notice and Report Form.** The violation notice and report form shall contain, but shall not be limited to, the following information:

- (1) The name and address of the building owner.

- (2) The type and nature of the violation.
- (3) The date and time the violation was observed.
- (4) The names of witnesses to the violation.
- (5) The address of the structure where the violation is observed.

(C) Docket and Assignment of Hearing Date. The violation report form shall be forwarded by the building inspector to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date noted in the blank spaces provided for that purpose on the form.

(D) Service. One (1) copy of the report form shall be served by first class mail on the building owner along with a summons commanding the building owner to appear at the hearing. If the name of the building owner of the structure cannot be ascertained or if service on the building owner cannot be made by mail, service may be made on the building owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than twenty (20) days before the hearing is scheduled.

(E) Record. One (1) copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing and one (1) copy of the report form shall be returned to the building inspector so that he/she may prepare evidence of the Code violation for presentation at the hearing.

(F) Administrative Hearing.

1) An administrative hearing to adjudicate the alleged Code violation on its merits shall be granted to the owner of record pursuant to 65 ILCS 5/11-31.1-1 et seq. Incorporated by reference herein, and shall be conducted in accordance with the provisions of Article 5 of this Chapter 7.

(2) The case for the Village may be presented by the building inspector or by an attorney designated by the Village. However, in no event shall the case for the Village be presented by an employee of the Code Hearing Department. The case for the building owner may be presented by the owner, his attorney, or any other authorized agent or representative.

Section 7-304. DEFAULT. If on the date set for hearing the building owner or his attorney fails to appear, the Hearing Officer may find the building owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a Code violation.

Section 7-305. EVIDENCE AT HEARING. At the hearing, the Hearing Officer shall preside and shall hear testimony and accept any evidence relevant to the existence or nonexistence of a Code violation relating to the structure indicated.

Section 7-306. RETALIATORY ACTION AGAINST OCCUPANTS PROHIBITED. No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at an administrative hearing.

Section 7-307. DEFENSES TO CODE VIOLATIONS. It shall be an owner's defense to a Code violation charge under this Article if the building owner, his attorney, or any other authorized agent or representative proves to the Hearing Officer's satisfaction that:

(A) The Code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;

(B) The Code violation has been caused by the current property occupants and that in spite of reasonable attempts by the building owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations; or

(C) An occupant or resident of the dwelling has refused entry to the building owner or his agent to all or a part of the dwelling for the purpose of correcting the Code violation.

Section 7-308. DECISION. At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of evidence presented at the hearing whether or not a Code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a decision whether or not a Code violation exists based upon the findings of fact, and an order imposing a penalty or dismissing the case in the event a violation is not proved.

A copy of the findings, decision, and order of the Hearing Officer shall be served on the person charged with a violation and the building owner within five days after they are issued. Service shall be in the same manner as the report form and summons are served pursuant to Subsection 7-303(D). Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the Code unless the corporate authorities provide otherwise.

Section 7-309. FINES AND SANCTIONS. If a Code violation is proved, the Hearing Officer may impose the sanctions that are provided in the Code for the violation proved, including fines, license revocation or suspension, permit suspension or revocation, etc. The Village adopts by reference all current and future local ordinances and those provisions of 65 ILCS 5/11-1.1-1 et seq., governing Codes, as herein defined, applicable to structures relative to construction, plumbing, heating, electrical fire prevention, sanitation and health and safety standards in the Village, for its enforcement and adjudication within the geographical boundaries of the Village.

Section 7-310. ENFORCEMENT OF JUDGMENT.

(A) Any fine, other sanction or costs imposed or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law (735 ILCS 5/3-101 et seq.) shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law.

(B) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the Village may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the findings, decision and order. Nothing in this Chapter shall prevent the Village from consolidating

multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with this Article and applicable state law. 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 or by certified mail, return receipt requested, provided that the total amounts of fines, other sanctions and costs imposed by the findings, decision and order does not exceed two thousand five hundred dollars (\$2,500.00). If the court is satisfied that the findings, decision and order were entered in accordance with the requirements of this Chapter and the applicable Village ordinance, and that the building owner had an opportunity for a hearing under this Chapter and for judicial review as provided in this Chapter: (1) the court shall render judgment in favor of the Village and against the building owner for the amount indicated in the findings, decision and order, plus costs. Such judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money; and (2) the court may also issue such other orders and injunctions as are requested by the municipality to enforce the order of the hearing officer to correct a code violation.

Section 7-311. SANCTIONS APPLICABLE TO OWNER, PROPERTY. The order to correct a Code violation and the sanctions imposed by the Village as the result of finding of a Code violation under this Article shall attach to the property as well as to the owner of the property, so that a finding of a Code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of the Hearing Officer under this Article.

Section 7-312. FEDERAL GOVERNMENT CONTRACTS - MAINTENANCE OF PROPERTIES - PENALTIES.

(A) A person who contracts with the federal government or any of its agencies, including without limitation the Department of Housing and Urban Development, to care for vacant residential real estate shall be responsible for maintaining the property to prevent and correct municipal health and safety code violations.

(B) A person who intentionally violates this Section is guilty of a business offense and shall be fined not less than Five Hundred One Dollars (\$501.00) and not more than One Thousand Dollars (\$1,000.00)

ARTICLE 4 -- ADMINISTRATIVE ADJUDICATION OF ORDINANCE VIOLATIONS

Section 7-401. PURPOSE. The purpose of this Article is to provide a means for fair and efficient enforcement of any Ordinance Violation as defined within this Article 4 through an administrative adjudication of such violation(s) and procedures for collection of unpaid fines and penalties.

Section 7-402. DEFINITIONS. For the purposes of this Article, the following words or phrases shall have the meanings respectively ascribed to them by this Section:

ORDINANCE VIOLATION: The violation of any code or ordinance of the Village, excepting only such codes or ordinances (1) for which administrative adjudication is otherwise provided in Articles 2 and 3 of this Chapter 7 or (2) for which other adjudicatory procedures are specifically mandated either by Village ordinance or by state or federal law.

CODE HEARING UNIT: The Code Hearing Department established pursuant to Article 1 of this Chapter.

JURISDICTION: of the Code Hearing Unit means the ability to adjudicate any Ordinance Violation proceeding, as that term is hereinabove defined.

HEARING OFFICER: An Administrative Hearing Officer who has successfully completed a formal training program which includes the following:

- he/she (1) Instruction on the rules of procedure of the administrative hearings which will conduct;
- adjudicate; (2) Orientation to each subject area of the code violations he/she will
- (3) Observation of administrative hearings; and
- issuing final (4) Participation in hypothetical cases, including ruling on evidence and orders.

In addition, every Hearing Officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years.

NON-EMERGENCY SITUATION: Any situation that does not reasonably constitute a threat to the public interest, safety or welfare.

Section 7-403. PROCEDURES.

(A) **Issuance of Citation.** When a Village enforcement officer determines that an Ordinance Violation has been committed, the enforcement officer shall issue a citation therefor.

(B) **Contents of Citation.** The citation shall include notice of:

- (1) The nature of the Ordinance Violation to be adjudicated.
- (2) The date and location of the adjudicatory hearing.

- (3) The legal authority and jurisdiction under which the hearing is to be held.
- (4) The penalties for failure to appear at the hearing.

(C) Docket and Notation of Hearing Date. One copy of the citation shall be forwarded by the Village enforcement official to the Code Hearing Department where a docket number shall be stamped on the citation and the hearing date on the citation shall be noted and docketed.

(D) Service. The citation shall be deemed as service of process when either (1) served on the party or its employee or agent; (2) served by certified mail, return receipt requested; or (3) served by posting a notice and the citation upon the property where the violation is found when the party is the owner or manager of the property.

(E) Record. One (1) copy of the citation shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing and one (1) copy of the citation shall be returned to the Village enforcement official so that he/she may prepare evidence of the Code violation for presentation at the hearing.

(F) Administrative Hearing.

(1) An administrative hearing to adjudicate the alleged Ordinance Violation on its merits shall be granted to the owner of record pursuant to 65 ILCS 5/1-2.1-1 et seq. Incorporated by reference herein, and shall be conducted in accordance with the provisions of Article 5 of this Chapter 7. The hearing date shall not be less than fifteen (15) days after service of process as provided in Section 7-403(D) except in case of emergency. If service is provided by mail, the fifteen (15) day period shall begin to run on the day that the notice is deposited in the mail.

(2) No continuances shall be authorized by the Hearing Officer in proceedings under this Article except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer under this Article shall not exceed twenty-five (25) days.

(3) The case for the Village may be presented by the Village enforcement officer or by an attorney the Village. However, in no event shall the case for the Village be presented by an employee of the Code Hearing Department. The case for the party charged may be presented by the party charged, his attorney, or any other authorized agent or representative.

Section 7-404. DEFAULT. If on the date set for hearing the party charged with the Ordinance Violation or his attorney fails to appear, the Hearing Officer may find the party in default and shall proceed with the hearing and accept evidence relevant to the existence of an Ordinance Violation.

Section 7-405. EVIDENCE AT HEARING. At the hearing, the Hearing Officer shall preside and shall hear testimony and accept any evidence relevant to the existence or nonexistence of an Ordinance Violation.

Section 7-406. DECISION. At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of evidence presented at the hearing whether or not an Ordinance Violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a decision whether or not an Ordinance Violation exists based upon the findings of fact, and an order imposing a penalty or dismissing the case in the event a violation is not proved.

A copy of the findings, decision, and order of the Hearing Officer shall be served on the party within five days after they are issued. Service shall be in the same manner as the citation is served pursuant to Subsection 7-403(D). Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the ordinance for which the Ordinance Violation was issued.

Section 7-407. ENFORCEMENT OF JUDGMENT.

(A) Any fine, other sanction or costs imposed or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law (735 ILCS 5/3-101 et seq.) shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law.

(B) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Ordinance Violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(C) In any case in which a defendant has failed to comply with a judgment ordering said defendant to correct an Ordinance Violation or imposing any fine or other sanction as a result of an Ordinance Violation, any expenses incurred by the Village to enforce the judgment, including, but not limited to, attorney's fees, court costs and lien foreclosure costs, after they are fixed by a court of competent jurisdiction or by the Hearing Officer, shall be a debt due and owing the Village and may be collected in accordance with applicable law. Prior to any expenses being fixed by the Hearing Officer pursuant to this Section, the Village shall provide notice to the defendant that states that the defendant shall appear at a hearing before the Hearing Officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by mail, the seven (7) day period shall begin to run on the date that the notice was deposited in the mail.

(D) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the Village under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(E) The Hearing Officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within twenty-one (21) days after the issuance of the order of default, if the Hearing Officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the Village did not provide proper service of process. If any judgment is set aside pursuant to this Subsection (E),

the Hearing Officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default judgment.

ARTICLE 5 -- ADMINISTRATION

Section 7-501. APPLICABILITY. The provisions of this Article shall apply to all administrative adjudications conducted pursuant to the provisions of this Chapter 7.

Section 7-502. HEARING OFFICER. The Hearing Officer shall be empowered and is hereby authorized and directed to:

- (A) Preside over the administrative hearings, established in this Chapter, as the adjudicator.
- (B) Administer oaths.
- (C) Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation.
- (D) Assess fines and penalties for the violation of vehicular standing, parking, or compliance regulation violations, Code violations and Ordinance Violations as are established in this Chapter 7.
- (E) Provide for the accurate recordation of the administrative hearing(s).

Section 7-503. ADMINISTRATIVE HEARINGS.

- (A) Hearing Dates shall be at the date, time and place as is set forth in the violation notice or citation issued and served in accordance with Article 2, 3 or 4 of this Chapter or such additional notices issued in accordance with this Chapter.
- (B) All administrative hearings shall be tape recorded.
- (C) Persons appearing to contest the alleged standing, parking, or compliance violation, Code violation or Ordinance Violation on its merits may be represented by counsel at their own expense and may present evidence and cross-examine opposing witnesses.
- (D) The Hearing Officer shall consider testimony and other evidence without the application of the formal or technical rules of evidence.
- (E) Administrative hearings shall culminate in a determination of the Hearing Officer as set forth in Article 2, 3 or 4.
- (F) The Hearing Officer shall, upon a determination of liability, assess fines and penalties as set forth in Article 2, 3 or 4 hereof.

Section 7-504. ADMINISTRATIVE REVIEW LAW TO APPLY. The finding, decision and order of the Hearing Officer shall be subject to review in the Circuit Court of the appropriate county, and the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.), and all amendments and modifications thereto, and the rules adopted pursuant thereto are adopted and shall apply to and govern every action for the judicial review of the findings, decision and order of a Hearing Officer under this Chapter, except as otherwise provided by law.

Section 7-505. ADMINISTRATIVE REMEDIES NOT EXCLUSIVE. Notwithstanding anything to the contrary contained in this Chapter 7, in addition to any monetary penalties or fines assessed by the Hearing Officer hereunder, the Village shall have the right to pursue any other legally available remedies to abate, enjoin or prevent violations of the Village's codes and ordinances, including but not limited to license or permit revocation or suspension proceedings, injunctive relief or other legal or equitable remedies, all of which remedies shall be cumulative and not exclusive.

(Added in its Entirety by Ordinance 07-021, 02.27.07)

ARTICLE 6 -- AUTOMATED TRAFFIC LAW ENFORCEMENT ADJUDICATION

Section 7-601. DEFINITIONS. As used in this Article, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended:

- (A) Administrator. The Village's Traffic Compliance Administrator.
- (B) Automated traffic law violation. A violation described in Section 11-208.6 of the Code.
- (C) Automated traffic law enforcement system. A device with one (1) or more motor vehicle sensors working in conjunction with a red light signal to produce Recorded Images of motor vehicles entering an intersection against a red light signal in violation of Section 11-306 of the Code or a similar provision of a Village ordinance.
- (D) Certified report. A report concerning five (5) or more unpaid fines or penalties for Automated Traffic Law Violations made by the Village to the Secretary in accordance with Section 6-306.5 of the Code.
- (E) Village. The Village of Bolingbrook, Will and DuPage Counties, Illinois.
- (F) Code. The Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*
- (G) Determination notice. A notice of final determination of automated traffic law violation liability issued pursuant to Section 11-208.3 of the Code and pursuant to the provisions of this Article.
- (H) Recorded images. Images showing the time, date and location of an automated traffic law violation recorded by an automated traffic law enforcement system on: (i) two (2) or more photographs, (ii) two (2) or more microphotographs, (iii) two (2) or more electronic images or (iv) a video recording showing the motor vehicle and, on at least one (1) image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.
- (I) Secretary. The Illinois Secretary of State.
- (J) Suspension notice. A notice of impending driver's license suspension issued pursuant to Section 11-208.3 of the Code and pursuant to the provisions of this Article.
- (K) System. Individually, an automated traffic law enforcement system or, collectively, automated traffic law enforcement systems established in the Village pursuant to this Article.
- (L) Violation notice. An automated traffic law violation notice issued pursuant to Sections 11-208.3 and 11-208.6 of the Code and pursuant to the provisions of this Article.

Section 7-602. SYSTEM LOCATIONS. Amended by Ordinance 07-098, 08.28.07. The Village hereby determines to establish Systems at the following intersections located within the corporate limits of the Village:

Boughton and Route 53 - eastbound
Boughton and Route 53 - westbound

Route 53 and Boughton – northbound at Route 53
Route 53 and Boughton – southbound at Route 53
Boughton and Weber – eastbound at Boughton
Boughton and Weber – westbound at Boughton
Weber and Boughton – northbound at Weber
Weber and Boughton – southbound at Weber
Boughton and Schmidt – eastbound at Boughton
Boughton and Schmidt – westbound at Boughton
Schmidt and Boughton – southbound at Boughton
Boughton and Pinecrest – eastbound at Boughton
Boughton and Pinecrest – westbound at Boughton
Pinecrest and Boughton – northbound at Pine Crest
Pinecrest and Boughton – southbound at Pine Crest
Boughton and Janes - eastbound
Boughton and Janes - westbound

Section 7-603. DUTIES OF THE ADMINISTRATOR. The Administrator or his designee shall be authorized to adopt, distribute and process Violation Notices and other notices required by Article 2 of this chapter for the administrative adjudication of Automated Traffic Law Violations, collect money paid as fines and penalties for Automated Traffic Law Violations and operate an administrative adjudication system for Automated Traffic Law Violations. The Administrator is also authorized to make a Certified Report to the Secretary pursuant to Section 6-306.5 of the Code, and any such Certified Report shall contain the information required under Section 6-306.5(c) of the Code.

Section 7-604. VIOLATION NOTICES. A Violation Notice, the contents of which shall comply with the requirements of Article 2 of this Chapter and with Section 11-208.6 of the Code, as amended, shall be served by mail to the address of the registered owner of a vehicle cited for an automated traffic law violation as recorded with the Secretary within thirty (30) days after the Secretary notifies the Village of the identity of the owner of the vehicle, but in no event later than ninety (90) days after the violation. Service of a Violation Notice shall be deemed complete as of the date of deposit in the United States mail. The original or a facsimile of a Violation Notice or, in the case of a Violation Notice produced by a computerized device, a printed record generated by the device showing the facts entered on the Violation Notice, shall be retained by the Administrator, and shall be a record kept in the ordinary course of business. A Violation Notice issued, signed and served in accordance with this Article, a copy of the Violation 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 Violation Notice. The Violation Notice, copy or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

Section 7-605. DETERMINATION OF VIOLATIONS. Before a citation may be issued for any automated traffic law violation, a determination must be made by a technician employed or contracted by the Village that, based on inspection of Recorded Images generated by the System, the motor vehicle was being operated in violation of Section 11-208.6 of the Code or an ordinance of the Village. 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.

Section 7-606. HEARING PROCEDURES. The registered owner of the vehicle cited in a Violation Notice shall have the opportunity for a hearing in which said owner may contest the merits of the alleged violation as provided in Article 2 of this Chapter. The lessee of a vehicle cited in a Violation Notice likewise shall be afforded the opportunity for a hearing of the same kind afforded the registered owner.

Section 7-607. FINAL DETERMINATION OF VIOLATIONS. A determination shall become final as provided in Article 2 of this Chapter. A Final Determination Notice, the contents of which shall comply with the requirements of Article 2 of this Chapter, shall be sent following a final determination of automated traffic law violation liability. A Final Determination Notice shall be 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 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 of the Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office database. Service of the Final Determination Notice shall be deemed complete as of the date of deposit in the United States Mail.

Section 7-608. PETITION FOR REVIEW. A person owing an unpaid fine or penalty for automated traffic law violation penalty may file a petition to set aside a final determination of such liability within fourteen (14) days after mailing by the Village of a Determination Notice. Such a petition shall be filed by sending the same, together with any documentation in support thereof, to the Administrator by certified mail, return receipt requested, or by personal delivery to the Administrator. The grounds for such a petition shall 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 paid the fine or penalty for the violation in question, and (c) excusable failure to appear at or request a new date for a hearing. A hearing on such a petition shall be held within thirty (30) days after the filing of same. In the event that such a petition is granted upon a showing of just cause, and the subject determination of Automated Traffic Law Violation liability is thereby set aside, the registered owner shall be provided with a hearing on the merits for that violation.

Section 7-609. SUSPENSION NOTICE. A Suspension Notice, the contents of which shall comply with the requirements of Sections 6-306.5 and 11-208.3 of the Code, as amended, shall be sent to the person liable for any fine or penalty that remains due and owing on five (5) or more unpaid automated traffic law violations. The Suspension Notice shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary 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. Service of a Suspension Notice shall be deemed complete as of the date of deposit in the United States mail.

Section 7-610. APPEAL OF SUSPENSION NOTICE. If the Administrator provides a Suspension Notice to a vehicle owner and subsequently makes a Certified Report to the Secretary, the subject vehicle owner may challenge the accuracy of the Certified Report in writing. To do so, the vehicle owner must submit to the Administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the Certified Report: (1) that the person was not the owner or lessee of the subject vehicle or vehicles receiving five (5) or more automated traffic law violations on the date or dates such Violation Notices were issued, or (2) that the person already paid the fines or penalties for the five (5) or more automated traffic law violations indicated on the

Certified Report. Such statement and supporting documentation must be sent to the Administrator by certified mail, return receipt requested, or hand-delivered to the Administrator within five (5) days after the person receives notice from the Secretary that that the person's driver's license will be suspended at the end of a specified period of time unless the Secretary is presented with a notice from the Village certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the Certified Report was in error.

Section 7-611. NONAPPEARANCE PROCEDURES. As provided in Section 7-209 of this Chapter, non-residents of the Village who receive Violation Notices may contest the merits of the alleged automated traffic law violation without attending a hearing by sending a signed statement, under oath, together with any supporting documentation, to the Administrator via certified mail, return receipt requested, within twenty-one (21) days after service of the Violation Notice. Such a statement shall set forth the reasons why a finding of liability should not be entered. The hearing officer shall rule on such a statement within ten (10) days after receipt of same, and shall inform the non-resident of his decision within ten (10) days thereafter.

Section 7-612. PENALTY. Unless the driver of the motor vehicle cited for an Automated Traffic Law Violation received a Uniform Traffic Citation from a police officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of one hundred dollars (\$100.00) per violation. In the event that such penalty is not paid within fourteen (14) days after service of a Violation Notice, the penalty shall increase to two hundred dollars (\$200.00).