



# Village of Hanover Park Administration

Municipal Building  
2121 Lake Street  
Hanover Park, IL 60133-4398

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**PRESIDENT**  
RODNEY S. CRAIG

**VILLAGE CLERK**  
EIRA CORRAL

**TRUSTEES**  
WILLIAM CANNON  
JAMES KEMPER  
JENNI KONSTANZER  
JON KUNKEL  
RICK ROBERTS  
EDWARD J. ZIMEL, JR.

**VILLAGE MANAGER**  
JULIANA A. MALLER

## VILLAGE OF HANOVER PARK

### VILLAGE BOARD REGULAR WORKSHOP MEETING Municipal Building: 2121 W. Lake Street Hanover Park, IL 60133

Thursday, October 24, 2013  
6:00 p.m.

#### AGENDA

1. **CALL TO ORDER-ROLL CALL**
2. **ACCEPTANCE OF AGENDA**
3. **REGULAR BOARD MEETING AGENDA ITEM REVIEW**
4. **DISCUSSION ITEMS**
  - a. Adjudication Ordinances
  - b. Parking at Einstein School
5. **STAFF UPDATES**
  - a. Hanover Square Update
6. **NEW BUSINESS**
7. **EXECUTIVE SESSION IS SCHEDULED**
  - a. Section 2(c)(6) - Setting a price for sale of property owned by Village of Hanover Park
  - b. Section 2(c)(2) - Collective Bargaining
7. **ADJOURNMENT**



**TO:** Village President and Board of Trustees

**FROM:** Juliana Maller, Village Manager  
 Rebekah Flakus, Finance Director  
 David Webb, Chief of Police  
 Kay Nees, Assistant Finance Director

**SUBJECT:** Status of Municipal Adjudication

**ACTION**

**REQUESTED:**  Approval  Concurrence  Discussion  Information

**MEETING DATE:** October 24, 2013 – Board Workshop

**Executive Summary**

Staff requests direction to proceed with bringing ordinances establishing a system of administrative adjudication for vehicular and code violations established by the Hanover Park Municipal Code and increasing the late penalties and minimum hearing fines for unpaid tickets from \$100 and \$200 dollars to \$250 dollars to the Village Board for approval.

**Discussion**

The establishment of an administrative adjudication system will allow the Village to hold hearings for certain vehicular and code violations at Village Hall instead of sending violators into the Cook County Court system. This will make it more convenient and efficient for Village staff, as well as those who are requested to attend the hearing. Additionally, it will increase revenues to the Village, as the Village will no longer need to share fines and court costs with both Counties. Finally, establishing administrative adjudication will aid the Village's goal of gaining compliance.

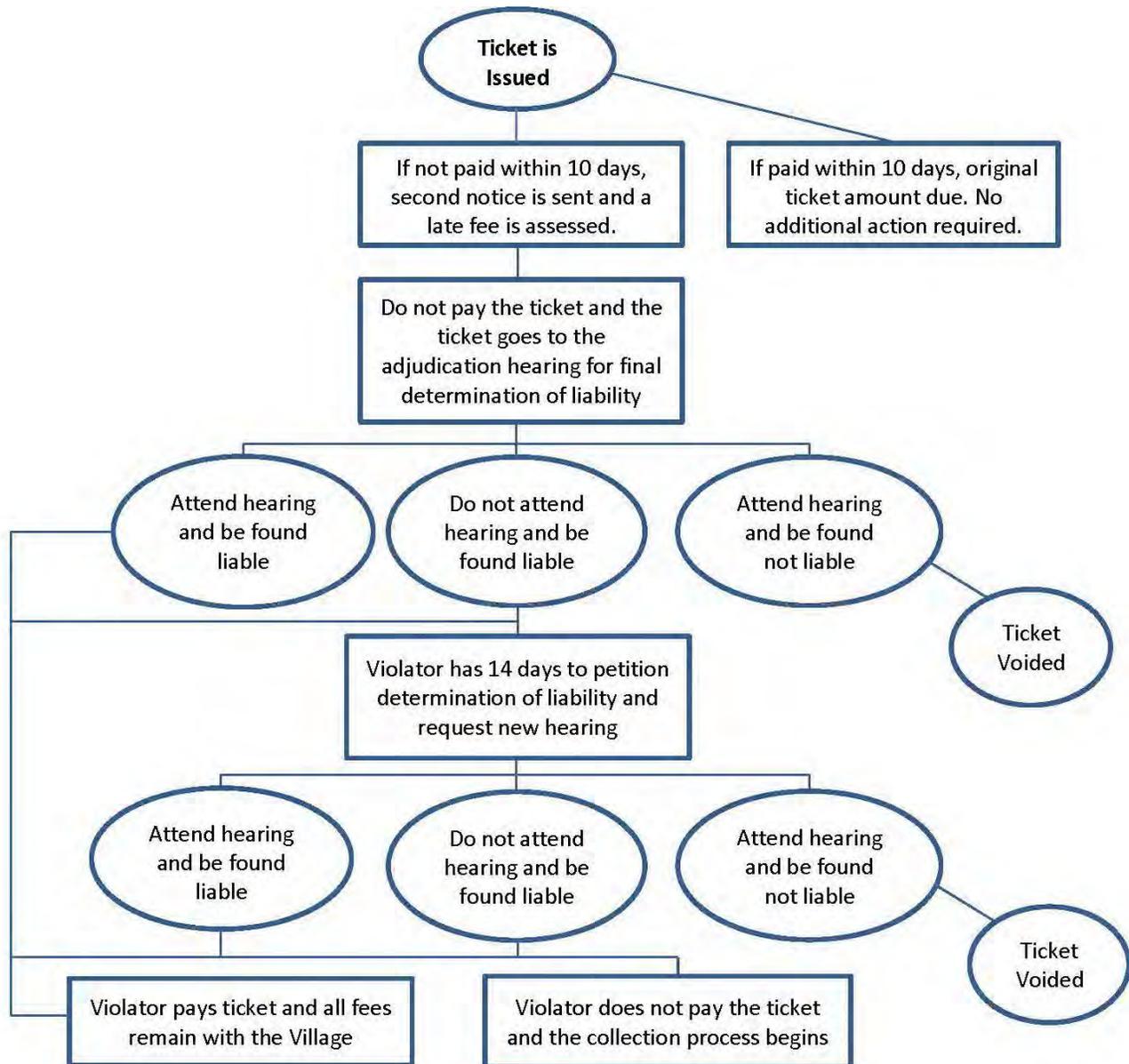
In order to begin the process of determining how the Village would implement the adjudication system, the Police Department and Finance Department held a series of meetings to discuss the needs and roles of both departments. A representative of the adjudication software, DACRA, came to the Village and presented an overview of the software. Assistant Finance Director Nees attended adjudication hearings at the City of Elgin, and those already performed by the Village of Hanover Park for the Red Light and Tow Hearings. Research was performed on the adjudication systems of surrounding communities, including sending out a survey to various Villages and Cities and reviewing their ordinances.

After performing our research of adjudication systems and software programs, it was decided that the best way to proceed was to purchase the adjudication software and necessary hardware. Once installed, staff can begin to be trained on the software and

Agreement Name: \_\_\_\_\_

Executed By: \_\_\_\_\_ Workshop Meeting 10/24/13

finalize our process for administering the adjudication system. Below is an outline of the adjudication process. Staff is strongly recommending employees are educated on adjudication and trained on the software before staff finalizes the adjudication process.



Research revealed that other municipalities have higher fees for late penalties and minimum hearing fines. Increasing the fees for late penalties and minimum hearing fines will help the Village to recoup the costs associated with late payments and operating a court room. The initial fines will remain unchanged. Roughly 45% of late notices are sent to non-residents. In addition, increasing these fines will bring the Village more in line with other Illinois suburban communities. See attached for a list of maximum standard parking ticket determination fines from other communities. The Village of Hanover Park's maximum for a standard starting ticket is \$100.

The Village has already purchased the software to administer the system. The passage of these ordinances is the next step in implementing an administrative adjudication system.

The system will be set up in stages beginning with vehicular tickets. Once the ordinances are passed, staff can finalize the software setup and begin to pilot the program in certain squad cars. Staff plans to fully implement administrative adjudication for vehicular tickets in January. The implementation of administrative adjudication for code violations will occur after the New World software has been implemented sometime in the Fall of 2014.

**Recommended Action**

Move approval of establishing a system of administrative adjudication for vehicular and code violations previously established by the Hanover Park Municipal Code and increasing late penalties and minimum hearing fines, and placing the required ordinances on the next Board agenda for approval.

**Attachments:** Ordinance Providing for Administrative Adjudication of Municipal Code Violations  
Ordinance Providing for Administrative Adjudication of Vehicle Violations of the Hanover Park Municipal Code

<b>Budgeted Item:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
<b>Budgeted Amount:</b>	\$N/A		
<b>Actual Cost:</b>	\$		
<b>Account Number:</b>			

**ORDINANCE NO. O-13-****AN ORDINANCE PROVIDING FOR ADMINISTRATIVE  
ADJUDICATION OF MUNICIPAL CODE VIOLATIONS**

**WHEREAS**, the General Assembly has provided in 65 ILCS 5/1-2.1-1 *et seq.* for Administrative Adjudication by municipalities that are home rule units and, in particular, provides as follows:

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 (1) proceedings not within the statutory or home rule authority of municipalities; and (ii) 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 offenses under Section 6-204 of the Illinois Vehicle Code. 65 ILCS 5/1-2.1-2.

and

**WHEREAS**, the Village of Hanover Park is a home rule unit by virtue of the provisions of the 1970 Constitution of the State of Illinois and may exercise and perform any function pertaining to its government and affairs including adoption of this Ordinance; now, therefore,

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

**SECTION 1:** That a new Article XVIII. - Administrative Adjudication, consisting of Sections 2-740 through 2-745 is hereby added to Chapter 2 of the Municipal Code of Hanover Park, as amended, to read as follows:

**ARTICLE XVIII. - ADMINISTRATIVE ADJUDICATION****Sec. 2-740. - Purpose—Scope—Adoption of rules and regulations.**

The purpose of the system of municipal code administrative adjudication of charges of municipal code violations is to provide a procedure and facility by which charges of certain municipal code violations can be administratively adjudicated by use of Village personnel and facilities without initial resort to the Circuit Court. The system of administrative adjudication of charges of municipal code violations for the Village is established pursuant to authority of 65 ILCS 5/1-2.1 through 5/1-2.1-10, and the Village's home rule powers.

**Sec. 2-741. - Jurisdiction.**

Those matters that shall be subject to municipal code administrative adjudication provided for under 65 ILCS 5/1-2.1-1 through 65 ILCS 5/1-2.1-10, are charges of violation of any provision of the Hanover Park Municipal Code, as amended, except matters not within the home rule authority of the Village, if applicable, and matters under the jurisdiction of Traffic Code Administrative Adjudication under Chapter 62 of the Hanover Park Municipal Code, as amended.

**Sec. 2-742. – Hearing Procedures nonexclusive.**

The provisions of this chapter shall not preclude the Village from using other methods or proceedings to enforce the ordinances of the Village, including, but not limited to, the institution of any action in the Circuit Court of Cook County, Illinois or any administrative proceeding.

**Sec. 2-743. – Code Hearing Unit.**

The system of administrative adjudication of municipal code violations shall be composed of a code hearing unit which shall be comprised of a hearing officer appointed by the Village President, upon review and recommendation of the Village Manager, with the advise and consent of the Village Board, and any other duly administratively appointed person or persons deemed necessary for the efficient administration of the code hearing unit with the following powers, duties, authority and limitations:

- A. The system of administrative adjudication shall provide for a Hearing Officer who shall be empowered and is hereby authorized and directed to:
1. Hear testimony and accept evidence that is relevant to the existence of the code violation;
  2. Issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
  3. Preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing
  4. Issue a determination, based on the evidence presented at the hearing, of whether a code violation occurred or exists. The administrative hearing officer's determination shall be in writing and include a written finding of fact, decision, and order including the fine, penalty, or other action with which the defendant must comply.

5. Impose penalties consistent with applicable Village Code provisions and assess costs upon finding a party liable for the charged violation, except, however, that in no event shall the administrative hearing officer have authority to (i) impose a penalty of incarceration; or (ii) impose a fine in excess of \$50,000.00. The maximum monetary fine under this item shall be exclusive of costs of enforcement or costs incurred by the Village to secure compliance with the Village's ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village.
- B. Prior to conducting administrative adjudication hearings, the administrative hearing officers shall have successfully completed a formal training program which includes the following:
1. Instruction on the rules of procedure of the administrative hearings which they will conduct;
  2. Orientation to each subject area of the code violations that they will adjudicate;
  3. Observation of administrative hearings; and
  4. Participation in hypothetical cases, including ruling on evidence and issuing final orders.
  5. In addition, every administrative hearing officer must be an attorney licensed to practice law in the State of Illinois for at least 3 years.

**Sec. 2-744. - Procedure.**

- A. A proceeding before an administrative hearing officer shall be instituted upon the filing of a written sworn pleading or complaint by any authorized official of the Village, including police officers, code enforcement officers, inspectional service personnel and such other employees as may be authorized by the Village Manager.
- B. Parties shall be served with notice in a manner reasonably calculated to give them actual notice, including, as appropriate, personal service notice upon a party or its employees or agents; service by first class mail with proper prepaid postage at a party's last known business or residence address; or notice that is posted upon the property where the alleged violation is found when the party is the owner or manager of the property.

- C. Parties shall be given notice of the adjudicatory hearing which includes the type and nature of the code violation to be adjudicated, the date and location of the adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing.
- D. Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency situations, if requested by the respondent, the respondent shall have at least the time prescribed by relevant ordinance or at least 15 days after service of notice to prepare for the hearing. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by first class mail, the 15-day period shall begin to run on the date that the notice is deposited in the mail.
- E. Rules of evidence shall not govern. The formal and technical rules of evidence do not apply in an adjudicatory hearing provided for hereunder. Evidence may be admitted so long as it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Hearsay may be admitted if more reliable evidence is not available, and if in the end the hearing officer's finding is supported by the kind of evidence on which reasonable people are accustomed to rely in serious affairs.
- F. Any final decision by an administrative hearing officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law.

**Sec. 2-745. – Enforcement of Judgment.**

- A. Any fine, debt, 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 Illinois Administrative Review Law are a debt due and owing the Village and may be collected in accordance with applicable law.
- B. After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a code 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 respondent has failed to comply with a judgment ordering a respondent to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by the Village to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or 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 a hearing officer pursuant to this subsection, the Village shall provide notice to the respondent that states the respondent shall appear at a hearing before the administrative hearing officer to determine whether the respondent has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven days from the date that the notice is served. If notice is served by mail, the seven-day period shall begin to run on the date 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 by the Uniform Commercial Code, a lien shall be imposed in the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the Village under this Section. The lien may be enforced in the same manner as 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 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 notice. If any judgment is set aside pursuant to this subsection, 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.

**SECTION 2:** That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

**SECTION 3:** That except as to the amendments heretofore mentioned, all chapters, sections, subsections, and paragraphs of the Municipal Code of Hanover Park shall remain in full force and effect.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner required by law.

**SECTION 5:** That the Village Clerk be and is hereby directed to publish this ordinance in pamphlet form.

ADOPTED this    day of                    , 2013 pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this    day of                    , 2013

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Rodney S. Craig  
Village President

ATTESTED, filed in my office, and  
published in pamphlet form this  
day of                    , 2013

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Eira Corral, Village Clerk

**ORDINANCE NO. O-13-****AN ORDINANCE PROVIDING FOR ADMINISTRATIVE ADJUDICATION OF VEHICLE VIOLATIONS OF THE HANOVER PARK MUNICIPAL CODE, AS AUTHORIZED BY 625 ILCS 5/11-208.3 AND ALSO INCREASING PENALTIES**

**WHEREAS**, 625 ILCS 5/11-208.3 provides for the Administrative Adjudication by municipalities of violations of traffic regulations concerning specified violations; and

**WHEREAS**, the Village of Hanover Park is a home rule unit by virtue of the provisions of the 1970 Constitution of the State of Illinois and may exercise and perform any function pertaining to its government and affairs including adoption of this Ordinance; now, therefore,

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

**SECTION 1:** That Section 62-17-104 of Chapter 62 of the Municipal Code of Hanover Park, as amended, be and is hereby amended to read as follows:

**Sec. 62-17-104. - Same—Parking violations; settlement of penalties; authorization and procedure.**

The following procedure regarding settlement and compromise of parking violations is hereby authorized:

- A. Any owner or operator who is issued a complaint for a violation of division 2 of article XI, "Stopping, Standing and Parking," of this Code may settle and compromise that complaint by paying \$30.00 to the village on or before ten days after the date of issuance, not counting the date of issuance. If paid after that date but before the administrative adjudication hearing date, the complaint can be settled and compromised for \$75.00. After that date payments to the village of the minimum fine upon a determination of liability by the administrative adjudication hearing shall be \$250.00. Payments received by mail shall be credited as paid on the date received by the Village. Any costs incurred but not exceeding \$80.00 per violation, by a collection agency shall be added to the fine.
- B. Any owner or operator who is issued a complaint for a violation of the following sections of this Code may settle and compromise that complaint by paying to the Village on or before ten days after the date of issuance not counting the date of issuance the amount in column A. If paid after that date but before the administrative adjudication hearing date, the complaint may be

settled and compromised for the amount in column B. After that date payments to the village or the minimum fine upon a determination of liability by the administrative adjudication hearing shall be the amount in column C. Payments received by mail shall be credited as paid on the date received by the Village. Any costs incurred, but not exceeding \$80.00 per violation by a collection agency or attorney shall be added to the fine.

<i>Offense</i>	<i>A Within Ten Days</i>	<i>B After Ten Days but Before Adjudication Hearing</i>	<i>C Hearing Fine</i>
<u>62-11-1323</u>	\$30.00	\$75.00	\$250.00
62-11-1326	30.00	75.00	250.00
<u>62-11-1330</u>	30.00	75.00	250.00
110-6.2.4e	30.00	75.00	250.00
62-11-1325(a)	50.00	100.00	250.00
62-11-1325(c)	50.00	100.00	250.00
<u>62-11-1331</u>	100.00	200.00	250.00
62-11-1337(2)	250.00	300.00	350.00

**SECTION 2:** That Section 62-17-108(c) of Chapter 62 of the Municipal Code of Hanover Park, as amended, be and is hereby amended to read as follows:

**Sec. 62-17-108. - Immobilization of vehicle for violations.**

\* \* \* \* \*

- (c) The owner of such immobilized vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon:
- (1) The depositing of the bond for his appearance in the circuit court to answer for each violation not subject to the process of administrative adjudication; or
  - (2) Depositing the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant; and
  - (3) The payment of the fees as required by subsection (e) of this section.

The owner of an immobilized vehicle, or other authorized person, shall have the right to a post-immobilization hearing to determine the validity of such immobilization, towing and any towing or storage charges. Such hearing must be requested within 15 days after the vehicle is immobilized. The post-immobilization hearing shall not be determinative of or adjudicate any citation issued relative to any immobilized vehicle.

\* \* \* \* \*

**SECTION 3:** That a new Article XX. - ADMINISTRATIVE ADJUDICATION OF TRAFFIC VIOLATIONS, consisting of Sections 62-20-001 through 62-20-012 is hereby added to Chapter 62 of the Municipal Code of Hanover Park, as amended, to read as follows:

**ARTICLE XX. - ADMINISTRATIVE ADJUDICATION OF TRAFFIC VIOLATIONS****Sec. 62-20-001. - Purpose—Scope—Adoption of rules and regulations.**

- A. The purpose of this Article is to provide for the administrative adjudication of vehicular violations of the Hanover Park Municipal Code, automated traffic law violations pursuant to Chapter 62, Article XIX of this Code, and defining compliance violations, and regulating vehicular standing and parking within the Village and to establish a fair and efficient system for the enforcement of certain provisions of Chapter 62 of the Hanover Park Municipal Code. The traffic administrative adjudication system set forth in this Chapter is established pursuant to 625 ILCS 5/11-208.3, and the home rule power of the Village of Hanover Park.
- B. For the purpose of this Article, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle.

**Sec. 62-20-002. - Appointment—Administrative adjudication traffic compliance administrator(s).**

The appointed Administrative Adjudication Traffic Compliance Administrator shall be administratively appointed and shall:

- A. Operate and manage the system of administrative adjudication of automated traffic law violations, vehicular standing, parking, conditions of vehicles, and compliance violations;
- B. Adopt, distribute and process automated traffic law violations, parking and compliance violation notices, collect money paid as fines and penalties for violations of parking and compliance ordinances;
- C. Establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system;
- D. Certify copies of the final determinations of violations liability and factual reports, verifying that the final determination of violating liability was issued in accordance with this division and 625 ILCS 5/11-208.3;
- E. Certify reports to the Secretary of State concerning initiation of suspension of driver's licenses in accordance with the provisions of the Article and 625 ILCS 5/6-306.5; and
- F. Promulgate rules and regulations pertaining to the hearing process, the content of forms and procedures, and the daily operation of the administrative adjudication of automated traffic law violations, parking and compliance violations program.

**Sec. 62-20-003. - Appointment—Hearing officer.**

- A. The system of administrative adjudication shall provide for a Hearing Officer who shall be the same hearing officer as provided for in Section 2-743 of Chapter 2 of this Code, and shall be empowered and is hereby authorized and directed to:
  - 1. Preside over the administrative hearings established herein, as the adjudicator;
  - 2. Administer oaths;
  - 3. Issue subpoenas to secure the attendance of witnesses and production of relevant papers or documentation;
  - 4. Hear testimony and accept evidence that is relevant to the existence of the code violation;
  - 5. Assess fines and penalties for violations as established in the Village Code;
  - 6. Make final determinations of violation liability;

7. Provide for the accurate recordation of the traffic administrative adjudication system.

**Sec. 62-20-004. - Violation—Penalty.**

The violation of any provision of the traffic code prohibiting or restricting vehicular standing or parking, establishing a compliance violation, or an automated traffic law violation, shall be a civil offense punishable by fine only, as listed in Chapter 62 of the Hanover Park Municipal Code.

**Sec. 62-20-005. - Prima facie responsibility for violation and penalty—Parking violation issuance and removal.**

- A. Whenever any vehicle exhibits a compliance violation or is parked in violation of any provision of the traffic code prohibiting or restricting vehicular parking or standing, any person in whose name the vehicle is registered with the Secretary of State of Illinois or such other state's registry of motor vehicles shall be prima facie responsible for the violation and subject to the penalty therefore. The Village and the issuer of the notice shall accurately record the state registration number of the ticketed vehicle.
- B. Whenever any vehicle exhibits a compliance violation during operation or is parked in violation of any provision of the traffic code prohibiting or restricting vehicular parking or standing or regulating the condition of a parked or standing vehicle, any police officer, community service officer, or other person designated by the Police Chief or Village Manager observing such violation may issue a parking or compliance violating notice, as provided for in the Hanover Park Municipal Code and serve the notice on the owner of the vehicle by handing it to the operator of the vehicle, if he/she is present, or by affixing it to the vehicle in a conspicuous place.
- C. The issuer of the notice shall specify on the notice his identification number, the particular parking or compliance ordinance allegedly violated, the make and state registration number of the cited vehicle, and the place, date and time of the alleged violation, the fine that may be assessed and shall certify the correctness of the specified information by signing his name as provided in Section 11-208.3 of the Illinois Vehicle Code, as amended.
- D. The notice shall state that vehicle immobilization and driver's license suspension (if applicable) may be imposed if the fine is not paid in full, that payment of the indicated fine shall operate as a final disposition of the violation, and information as to the availability of an administrative hearing in which the violation may be contested on its merits and the time and manner in which such hearing may be held.

- E. It shall be unlawful for any person, other than the owner of the vehicle or his designee, to remove from a vehicle a parking or compliance violation notice affixed pursuant to this Article.

**Sec. 62-20-006. - Grounds for administrative hearing.**

- A. A person charged with a parking or compliance violation may contest the charge at an administrative hearing limited to one or more of the following grounds with appropriate evidence to support:
  1. That the respondent was not the owner or lessee of the cited vehicle at the time of the violation;
  2. That the cited vehicle or its state registration plates were stolen at the time the violation occurred;
  3. That the facts alleged in the parking or compliance violation notice are inconsistent or do not support a finding that the specified code section was violated;
  4. That the illegal condition described in the compliance violation did not exist at the time the notice was issued.

**Sec. 62-20-007. - Hearing procedure.**

- A. The respondent may appear pro se or, at his own expense, by an attorney.
- B. The formal and technical rules of evidence shall not apply in the conduct of the hearing.
- C. All testimony shall be given under oath or affirmation, which shall be administered by the hearing officer. The hearing officer may issue subpoenas to secure the attendance and testimony of witnesses and the production of relevant documents; provided, however, that a respondent who appears by an attorney shall not be compelled to attend the hearing and may submit his testimony, if any, by affidavit. In addition, witnesses who have not been subpoenaed to attend the hearing may submit their testimony, if any, by affidavit.
- D. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, issued and signed in accordance with this Article shall be prima facie evidence of the correctness of the facts specified therein.
- E. The hearing officer may, on a showing of good cause, grant one continuance to a date certain.

- F. The Village Traffic Compliance Administrator(s) shall cause a record to be made of each hearing, and recording devices may be used for such purpose.

**Sec. 62-20-008. - Hearing—Determination of liability or of no liability—Petition to set aside.**

- A. Upon conclusion of a hearing under this Article, the hearing officer shall issue a determination of no liability or of a liability in the amount of the fine for the relevant violation as provided in the Hanover Park Municipal Code.
- B. If a person fails to respond to the violation notice and opportunity for the administrative hearing and fails to appear, a determination of liability shall be entered against the respondent pursuant to this Article. Such determination shall become final for purposes of judicial review under the Administrative Review Law of Illinois upon the denial or, the expiration of the time in which to file, a timely petition to set aside the determination as provided in this Article.
- C. Within 14 days from the issuance of a determination of liability pursuant to this Article, the person against whom the determination was entered may petition by submitting a written request to the Village Traffic Compliance Administrator(s) to set aside the determination, provided, however, the grounds for the petition shall be limited to:
- (1) The person not having been the owner or lessee of the cited vehicle on the date the parking violation notice was first issued;
  - (2) The person having already paid the fine or penalty for the parking violation in question; or
  - (3) Excusable failure to appear at or request a new date for a hearing. The Village Traffic Compliance Administrator(s) shall set a hearing date and provide written notice of that date to the Petitioner.

The Traffic Compliance Administrator(s) shall act upon the petition timely filed and render a decision thereon within 14 days of the file date.

**Sec. 62-20-009. - Final determination.**

- A. Final determination of violation liability shall occur following failure to pay the fine and/or penalty after a hearing officer's determination of violation liability, and the exhaustion of or failure to exhaust any administrative review procedures.

**Sec. 62-20-010. - Notice of final determination.**

- A. If any fine or penalty is owing and unpaid after a determination of liability under this Code has become final, and the respondent has exhausted or failed to exhaust judicial procedures for review, the Village Traffic Compliance Administrator(s) shall

cause a Notice of Final Determination of liability to be sent to the respondent in accordance with this Article.

- B. Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the Village which may be enforced in any legal manner consistent with 625 ILCS 5/11-208.3 and Sections 62-17-108 to 62-17-109 of the Village of Hanover Park Municipal Code. Failure of the respondent to pay such fine or penalty may result as applicable: (1) the immobilization and/or towing of the person's vehicle for failure to pay fines or penalties for five or more parking or compliance violations; and (2) the suspension of the person's driver's license for failure to pay fines or penalties for ten or more parking violations.

**Sec. 62-20-011. - Nonresident procedures.**

- A. Nonresidents of the village who have been served vehicular standing, parking, or compliance regulation violation notices may contest the alleged violation on its merits in person or may contest the validity without personally appearing at an administrative hearing by:
- (1) Completing, in full, the "nonresident request for hearing" form;
  - (2) Signing the non-resident request for hearing in the space specified in the violation notice, and acknowledging that their personal appearance is waived and that they submit to an adjudication based upon the statement filed by them and the facts contained in the violation notice; and
  - (3) Filing the "nonresident request for hearing" fully completed with the traffic compliance administrator within 10 days of issuance of the violation notice. The request shall be deemed filed upon receipt by the traffic compliance administrator(s).
- B. The hearing officer shall make an adjudication based upon a review of the facts set forth in the "nonresident request for hearing" filed by the non-resident as well as the factual allegations contained in the violation notice.
- (1) Notice of the hearing officer's determination shall be served upon the nonresident by first class mail, postage prepaid, addressed to the nonresident at the address set forth in the statement of facts submitted and service of the notice shall be complete on the date the notice is placed in the United States mail.
  - (2) All other provisions of this Section shall apply equally to residents and nonresidents.

**Sec. 62-20-012. - Lessor of vehicle not liable for violations—When.**

- A. In accordance with Section 11-1305 of the Illinois Vehicle Code, no person who is the lessor of a vehicle pursuant to a written lease agreement shall be liable for a violation of any standing or parking regulation of this Chapter involving such vehicle during the period of the lease if upon receipt of a notice of violation sent with 120 days of the violation, he shall, within 60 days thereafter, provide to the Village Traffic Compliance Administrator the name and address of the lessee.
- B. Upon receipt of a lessor's notification of the name and address of his lessee, provided pursuant to Sections 11-1305 or 11-1306 of the Illinois Vehicle Code, the Village Traffic Compliance Administrator(s) shall cause a notice of violation to be sent to the lessee as provided for in this Article.

**SECTION 4:** That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

**SECTION 5:** That except as to the amendments heretofore mentioned, all chapters, sections, subsections, and paragraphs of the Municipal Code of Hanover Park shall remain in full force and effect.

**SECTION 6:** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner required by law.

**SECTION 7:** That the Village Clerk be and is hereby directed to publish this ordinance in pamphlet form.

ADOPTED this    day of                    , 2013 pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this    day of    , 2013

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Rodney S. Craig  
Village President

ATTESTED, filed in my office, and  
published in pamphlet form this  
day of    , 2013

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Eira Corral, Village Clerk

<b>Municipality</b>	<b>Maximum Fine</b>	<b>Municipality</b>	<b>Maximum Fine</b>
ADDISON	\$250	PALOS HEIGHTS	\$250
ALSIP	\$250	PARK FOREST	\$250
AURORA	\$120	PEKIN	\$95
BEDFORD PARK	\$250	POSEN	\$250
BELLWOOD	\$250	RICHTON PARK	\$250
BENSENVILLE	\$250	RIVERDALE	\$250
BLUE ISLAND	\$250	RIVERSIDE	\$250
BRIDGEVIEW	\$250	ROUND LAKE BEACH	\$125
BROADVIEW	\$250	SAUK VILLAGE	\$250
BURBANK	\$250	S. CHICAGO HEIGHTS	\$250
BURNHAM	\$250	SOUTH HOLLAND	\$250
CALUMET CITY	\$250	STEGER	\$250
CALUMET PARK	\$250	SUMMIT	\$250
CHICAGO HEIGHTS	\$150	TINLEY PARK	\$250
CHICAGO RIDGE	\$250	UNIVERSITY PARK	\$250
COUNTRY CLUB HILLS	\$250	VERNON HILLS	\$100
CRESTWOOD	\$250	WARRENVILLE	\$250
CRETE	\$250	WESTERN SPRINGS	\$250
DOLTON	\$250	WHEELING	\$125
EAST HAZEL CREST	\$250	WILLOW SPRINGS	\$250
FOREST PARK	\$150	WORTH	\$250
FLOSSMOOR	\$250	ZION	\$135
GLENWOOD	\$250		
HARVEY	\$250		
HARWOOD HEIGHTS	\$250		
HAZEL CREST	\$250		
HICKORY HILLS	\$250		
HILLSIDE	\$250		
HOMETOWN	\$250		
HOMEWOOD	\$150		
JUSTICE	\$250		
LANSING	\$250		
LEMONT	\$250		
LIBERTYVILLE	\$100		
LYNWOOD	\$250		
LYONS	\$120		
MATTESON	\$250		
MIDLOTHIAN	\$250		
MOKENA	\$250		
MOMENCE	\$250		
MUNDELEIN	\$55		
NEW LENOX	\$250		
NORTHLAKE	\$250		
OAK FOREST	\$250		
OLYMPIA FIELDS	\$250		
ORLAND HILLS	\$250		
ORLAND PARK	\$250		
PALOS HILLS	\$250		



**TO:** Village President and Board of Trustees

**FROM:** Juliana Maller, Village Manager  
David Webb, Chief of Police

**SUBJECT:** An Ordinance Amending The Hanover Park Municipal Code, Section 62-11-1303(b) – No Stopping, Standing, and Parking.

**ACTION**

**REQUESTED:**  Approval  Concurrence  Discussion  Information

**MEETING DATE:** October 24, 2013 – Board Workshop

**Executive Summary**

The Police Department is requesting Board approval to amend the Municipal Code of the Village of Hanover Park, Ordinance # 62-11-1303(b), No Stopping, Standing, and Parking. A residence on Laurie Lane has had a constant problem with vehicles parking and blocking her driveway while children are being dropped off and picked up at Einstein School, between 8:00 am and 3:30 pm, while school is in session.

**Discussion**

During the school year, numerous vehicles drop off children at Einstein School, located at 1100 Laurie Lane, in the morning between 8:00-8:40 am, and when picking them up in the afternoon between 3:00-3:30 pm. When this occurs, several vehicles will park and block the driveway of a residence on Laurie Lane. A resident has had numerous problems entering and exiting the driveway at drop off and pick up times due to the vehicles blocking the driveway. The Police Department has taken enforcement action related to this problem on numerous occasions since the issue was brought to its attention in August of 2012. The enforcement action taken by the Police Department has reduced the problem to a great degree, but numerous vehicles are still blocking the driveway of this residence each week while children are attending Einstein School. The Police Department is requesting Board approval to amend the Municipal Code of the Village of Hanover Park, Ordinance # 62-11-1303(b), No Stopping Standing, and Parking beginning at the west side of the west entrance driveway of Einstein School, located at 1100 Laurie Lane, to 200 feet west to the southwest corner of Laurie Lane and Carrollton Court South between 8:00 am & 4:00 pm, when children are present at school.

The issue was discussed at the October 9, 2013 Development Review Commission (DRC) meeting and the committee recommended amending the No Stopping, Standing, and Parking ordinance and bringing it to a Workshop for Board discussion.

Agreement Name: \_\_\_\_\_

Executed By: \_\_\_\_\_ Workshop Meeting 10/24/13

**Recommended Action**

Move to amend the Municipal Code of Hanover Park Ordinance # 62-11-1303(b), No Stopping, Standing, and Parking at the west side of the west driveway entrance of Einstein School, located at 1100 Laurie Lane, to 200 feet west of the south west corner of Laurie Lane and Carrolton Court South and placing the amended Ordinance on a future Board agenda for approval.

**Attachments:** Amended Ordinance

<b>Budgeted Item:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
<b>Budgeted Amount:</b>			
<b>Actual Cost:</b>			

**ORDINANCE NO. O-13-**

**AN ORDINANCE AMENDING SECTION 62-11-1303(b) OF CHAPTER 62 OF THE MUNICIPAL CODE OF HANOVER PARK BY PROHIBITING PARKING ON A PORTION LAURIE LANE**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Hanover Park, Cook and DuPage Counties, Illinois, as follows:

**SECTION 1:** That Section 62-11-1303(b) of Chapter 62 of the Municipal Code of Hanover Park, be amended by adding to the no parking regulations the following:

“Laurie Lane on the south side thereof from the western entrance driveway of Einstein School west to 200 feet west of Carlton Court South from 8:00 a.m. until 4:00 p.m. on school days.”

**SECTION 2:** Any person, firm, or corporation violating any provision of this Ordinance shall be fined not less than thirty (\$30.00) dollars nor more than five hundred (\$500.00) dollars, and each day a violation continues shall be considered a separate violation.

**SECTION 3:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner and form required by law.

**SECTION 4:** That the Village Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form.

ADOPTED this     day of     , 2013, pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this     day of     , 2013

\_\_\_\_\_  
Rodney S. Craig, Village President

ATTESTED, filed in my office, and published in pamphlet form this day of     , 2013

\_\_\_\_\_  
Eira Corral, Village Clerk