

ORDINANCE NO. O-22-35

AN ORDINANCE AMENDING Sec. 62-20-012. “- Nonresident procedures” OF CHAPTER 62 OF THE HANOVER PARK MUNICIPAL CODE WHICH PROVIDES FOR ADMINISTRATIVE ADJUDICATION OF VEHICLE VIOLATIONS, AS AUTHORIZED BY 625 ILCS 5/11-208.3, BY EXTENDING THE CORRESPONDENCE OR BY MAIL HEARING OPTION TO ALL PERSONS CHARGED

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 President and Board of Trustees desire to provide for defendants’ option to contest parking and violations of regulations governing the condition or use of equipment on a vehicle by a correspondence (US mail) process instead of an in person process, 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 62-20-012 of Chapter 62 of the Municipal Code of Hanover Park, as amended, is modified to read as follows:

ARTICLE XX. - ADMINISTRATIVE ADJUDICATION OF TRAFFIC VIOLATIONS

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Sec. 62-20-012. – Option to contest by administrative correspondence (U.S. Mail) hearing – procedure

A. A person or entity (registered owner) charged and having been served vehicular standing, parking, or compliance regulation violation notice(s) may contest the alleged violation(s) on its merits in person or may exercise an option to contest the validity without personally appearing at the administrative hearing, if an appearance is not required, by:

- (1) Completing, in full, the “Administrative correspondence (U.S. Mail) request for hearing” form;
- (2) Signing the request for hearing in the space specified in the violation notice, and acknowledging that they waive their right to a personal

appearance 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 "Administrative correspondence (U.S. Mail) request for hearing" form fully completed with the Traffic Compliance Administrator, postmarked within 10 days of issuance of the violation notice. The request shall be deemed filed upon receipt by the Traffic Compliance Administrator.
- (4) The request shall include the following materials and information: the compliance or parking violation notice, the full name, address and telephone number(s) of the person or entity charged (the registered owner), the make, model and year of the vehicle; any documentary evidence that rebuts the charge; and a written statement signed by the person charged or a duly authorized officer or agent of an entity charged setting forth facts relevant to establish a defense to the charge. A copy of any documentary evidence submitted by any party shall be accepted as the equivalent of the original document.
- (5) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a compliance or parking violation notice shall be prima facie evidence of the correctness of the facts specified therein.

B. The hearing officer shall make an adjudication based upon a review of the facts set forth in the "Administrative correspondence (U.S. Mail) request for hearing" form filed by the person or entity charged (the registered owner) as well as the factual allegations contained in the violation notice.

- (1) Notice of the hearing officer's determination shall be served upon the requester by first class mail, postage prepaid, addressed to the request 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, not inconsistent with this Sec. 62-20-12, shall apply equally to both hearings in person and by correspondence.

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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 1st day of December 2022 pursuant to a roll call vote as follows:

AYES: Prigge, Gutierrez, Porter, Kemper

NAYS: None

ABSENT: Bankole, Hussaini

ABSTENTION: None

APPROVED by me this 1st day of December 2022


Rodney S. Craig, Village President

ATTESTED, filed in my office, and published in pamphlet form this 2nd day of December 2022


Kristy Merrill, Village Clerk