

# ARTICLE 20

## ADMINISTRATIVE PROCEDURE

### CHAPTER

- 1 Citations; Payment of Fines
- 2 Fees for Zoning Applications
- 3 Building Permit Fee Schedule
- 4 Inspection Fees
- 5 Ambulance Service Fee
- 6 Administrative Adjudication System
- 7 Public Works Fees
- 8 Citations for Offenses Excluding Parking Offenses

## ARTICLE 20

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#### CHAPTER 1 CITATIONS; PAYMENT OF FINES

##### SECTION

20-1-1	Issuance of Citation	
20-1-2	Payment within Fourteen Days	(Ord. 2010-30, 03/15/2010)
20-1-3	Notice to Appear	
20-1-4	Registration as Proof of Control	
20-1-5	Payment of Violations	
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20-1-6	Supervision	
20-1-7	Fee for Collection	

##### 20-1-1 ISSUANCE OF CITATION

A. Whenever a police officer is authorized to arrest a person without a warrant because of a violation of a City ordinance in respect of any of the following subjects:

1. Parking violations;
2. Requiring the purchase and display of a vehicle sticker;
3. Regulating and licensing dogs and cats;

said police officer may, in lieu of the filing of a charging document with the Administrative Hearing Officer, in the first instance issue to such alleged violator a citation advising said person that he has violated a specified ordinance, requesting him to make payment in an amount applicable to said alleged violation as set forth in Section 20-1-5 hereof as settlement of said violation claim; and informing him that upon failure to settle, he will be required to appear before the Administrative Hearing Officer to contest the violation.

B. In addition to those violations specified above, citations may also be issued for such other violations as the Police Chief may, by rule, determine to be appropriate for settlement and compromise as described in this Chapter. In determining which violations shall be subject to such a settlement and compromise, the Chief shall, at a minimum, give consideration to the severity of the violation, the necessity for judicial

imposition of a penalty, the administrative impact of court appearances by enforcement personnel, and the effectiveness of such procedures in deterring and correcting violations. In the case of violations of a continuing nature, the rules may provide that violator shall present to the Police Department evidence of correction of the violation before the citation may be settled and compromised. Unless otherwise specified in this Chapter, all violations subject to settlement and compromise procedures shall be treated as Subsection A violations.

*(Ord. 2005-34, 5/2/05, S24)*

#### **20-1-2 PAYMENT WITHIN FOURTEEN DAYS**

Pursuant to said citation, the person so accused of said violation may settle and compromise the violation claim in respect of such ordinance violation by paying to the City the applicable amount as shown in the schedule set forth in Section 20-1-5 hereof, within a period to be specified in said citation - not more than fourteen (14) days of the time said citation was issued. Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the office of the City Clerk, who shall issue a receipt for the money so received and promptly remit said amount to the City Treasurer to be credited to the proper municipal fund.

*(Ord. 2010-30, 03/15/2010)*

#### **20-1-3 NOTICE TO APPEAR**

In the event that the person to whom said citation is issued fails to settle and pay said violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served upon him), then the individual will be required to appear before the Administrative Hearing Officer for a hearing, as provided for in Section 20-6-1, *et seq.* of the Municipal Code of the City of Park Ridge.

*(Ord. 2005-34, 5/2/05, S24)*

#### **20-1-4 REGISTRATION AS PROOF OF CONTROL**

The fact that an automobile or motor vehicle which is illegally operated or parked is registered with the Secretary of State in the name of said alleged violator; or, in the alternative, in the event that a vehicle sticker issued by a municipality has been issued in the name of and to said alleged violator, shall be considered prima facie proof that said alleged violator was in control of or was the operator of the automobile or motor vehicle at the time of such alleged violation.

#### **20-1-5 PAYMENT OF VIOLATIONS**

The violation claim described in said citation so to be issued may be settled, compromised and paid pursuant to the terms of this Chapter, in the respective amounts as set forth in the following schedule:

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A. In the event that said payment is made prior to date specified on said citation, the following amounts shall be accepted as settlement and payment:

Group A Violations:	\$ 50.00
Group B Violations:	\$ 50.00
No Dog/Cat License:	\$ 50.00
No At-Risk Animal License:	\$100.00
No Dangerous Animal License:	\$500.00
Failure to Display Vehicle License (first offense):	\$ 15.00
Failure to Display Vehicle License (subsequent offenses):	\$ 70.00
Failure to Purchase Vehicle License:	\$ 70.00

*(Ord. 2010-15, 02/03/2010)*

B. In the event that payment has not been made prior to the date specified in said citation, a notice shall be sent to the violator and the following amounts shall be accepted as settlement, compromise and payment of the citation if paid within 14 days of the date of the notice:

Group A Violations:	\$ 75.00
Group B Violations:	\$ 75.00
No Dog/Cat License:	\$ 35.00
Failure to Display Vehicle License (first offense):	\$ 25.00
Failure to Display Vehicle License (subsequent offenses):	\$100.00
Failure to Purchase Vehicle License:	\$100.00

C. In the event that said payment has not been made prior to the date specified on the notice, a second and final notice shall be sent to the violator and the following amounts shall be accepted as settlement, compromise and payment of the citation if paid within 14 days of the date of the notice:

Group A Violations:	\$ 100.00
Group B Violations:	\$ 100.00
No Dog/Cat License:	\$ 50.00
Failure to Display Vehicle License (first offense):	\$ 40.00
Failure to Display Vehicle License (subsequent offenses):	\$ 125.00
Failure to Purchase Vehicle License:	\$ 125.00

D. If the amount listed in the second and final notice is not paid within 14 days of the date of the notice, the alleged violator will be required to attend a hearing on the date specified on the second and final notice. If the alleged violator does not pay the amount listed on the second notice within 14 days and does not appear at the hearing, the Administrative Hearing Officer will enter a finding of guilty and impose a fine and/or costs. The Hearing Officer will issue a Notice of Determination of Liability to the alleged violator in accordance with the default provisions set forth in of the Municipal Code of the City of Park Ridge.

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- E. Nothing set forth in Subsections A, B and C of this Section 20-1-5 shall limit the ability of the Administrative Hearing Officer to set and determine the fine within the minimum and maximum limits for the offence as set forth in the Park Ridge Municipal Code.
- F. Parking violations, Group A Violations and Group B violations shall be as established in the Parking Fine Schedule set forth in Section 20-1-6 herein.
- G. In the event that a second or subsequent violation of the same provision of this Code regarding parking is committed by the same vehicle in the same place, on the same date, the payment which will be accepted in settlement and compromise of the violation shall be double the settlement amounts specified in this section.
- H. If any person who has received a violation for Failure to Purchase Vehicle License purchases the vehicle license at the time of settlement of the fine, the settlement amount for the violation shall be reduced by the amount of thirty-five (\$35.00) dollars.
- I. Nothing set forth herein shall limit the ability of any violator to request, at any time prior to the entry of a final determination of liability, a hearing before the Administrative Hearing Officer to determine liability for the violation or to contest the violation by filing a notarized statement and following the procedures set forth in Section 20-6-9(F) of the Municipal Code of the City of Park Ridge. In addition, nothing set forth herein shall limit the ability of any violator to seek judicial review of a final determination of liability in accordance with the Illinois Administrative Review law.

*(Ord. 2003-38, 5/19/2003, S23), (Ord. 2005-34, 5/2/05, S24)(Ord. 2009-69, 9/21/2009, 2014-35, 8/4/2014)*

### **20-1-6      PARKING FINE SCHEDULE**

<u>Violation</u>	<u>City Code or Statute Section</u>
Group A Meters	13-16-1
Two hour parking limit	13-15-5
Left wheel to curb	13-10-5
Parking outside lines	13-16-4
Thirty minute parking limit	13-15-2
One hour parking limit	13-15-3
Ninety minute parking limit	13-15-4
Three hour parking limit	13-15-6
Parking on sidewalk or Parkway	13-10-1K

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<u>Violation</u>	<u>City Code or Statute Section</u>
City Hall restricted lot	13-12-2
Parking in violation of Resident permit restriction	13-13-2
All other parking, vehicle and compliance citations not specifically covered elsewhere: Group B	<i>2014-35, 8/4/14</i>
Parking prohibited within certain Hours	13-12-4
Parking in an intersection	13-10-1A
Parking within 15 feet of a fire hydrant	13-10-1G
Parking within fire lanes	13-10-1P
Parking on property of Maine Township High School District 207	13-10-10
Parking on Lutheran General Property	13-10-10
Parking on private property without consent of owner	13-10-10
Street Cleaning	13-10-2
Loading Zones	13-10-7
Parking in Alley (blocking)	13-10-8
Cab and bus stands	13-10-9
Truck parking in residential area	13-10-11
Parking within 30 feet of a signal or sign	13-10-1E
Parking within 20 feet of any intersection or crosswalk	13-10-1F
Blocking driveway	13-10-1H
Parking within 50 feet of railroad grade crossing	13-10-1I
Parking in library drive	13-11-2
Parking in a crosswalk	13-10-1B

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<u>Violation</u>	<u>City Code or Statute Section</u>
Parking in Snow Route	13-14-1
	13-14-2
	13-14-3
	13-14-4

*(Ord. 2005-34, 5/2/05, S24)*

**20-1-7 SUPERVISION**

In any prosecution for a violation of any section of the Park Ridge Municipal Code the court may, in lieu of or in addition to other penalty or fine, impose a period of supervision as defined in 730 ILCS 5/5-1-21, as amended, together with such incidents and conditions of supervision as are set forth in 730 ILCS 5/5-6-3.1, as amended, the terms of which Statutes are hereby incorporated into the Park Ridge Municipal Code.

**20-1-8 FEE FOR COLLECTION**

In addition to any other remedy or method provided in this Code or by other law for collection of fines or other debts owed to the City, services of a commercial collection agency may be used. The Finance Director shall establish rules regarding circumstances in which a collection agency will be used. Any fine or other debt owed to the City, which is referred to a collection agency, shall be increased by an amount sufficient to offset the additional cost to the City of the collection agency services.

Supp. 19 (December, 1999)

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#### CHAPTER 2 FEES AND ZONING APPLICATIONS

##### SECTION

- 20-2-1 Fees *(Ord. 2015-45, 7/20/2015)*
- 20-2-2 Rules for Application of Fee Structure

##### **20-2-1 FEES**

*(Ord. 2015-45, 7/20/2015)*

The petitioner for a zoning determination or appeal shall pay the following filing fee plus deposit at the time of filing their petition. No petition, except as hereinafter provided, shall be accepted by the City unless accompanied by the required filing fee. The fees required for various types of petitions shall be as follows:

##### TABLE OF FEES

	<u>Actual Publication Cost, Court Reporter Cost, And Cost of Original Transcript Plus Flat Fee of:</u>
A. Petition for Variation	
1. In Residential Districts	
a. To vary the intensity of use or yard requirements	\$200.00 if City Council action is not required; \$225.00 if City Council action is required
b. All other variations	\$250.00
2. In Commercial and Office Districts	\$400.00 if City Council action is not required; \$450.00 if City Council action is required
B. Time Extension Application	\$250.00
C. Petition for Amendment	
1. Text Amendment	\$450.00



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2. Map Amendment to R-1 or R-2	\$250.00
3. Map Amendment all other districts	\$400.00
D. Special Use Application	
1. Planned Unit Development	\$900.00
2. Other Special Uses	\$500.00
E. Zoning Interpretations and Appeals from Decisions of the Zoning Administrator	\$200.00
F. Site plan reviews:	
1. Administrative site plan reviews Including sign reviews	\$100.00
2. All other site plan reviews	\$300.00
3. Signage appeals	\$200.00
G. Zoning Certificates	\$30.00

**20-2-2 RULES FOR APPLICATION OF FEE STRUCTURE**

In application of this fee structure, the following rules shall apply:

- A. For any requested public hearing including more than one variation or classification of petition or application, the filing fee shall be calculated on the basis of the highest fee for an individual variation or classification, plus one hundred dollars (\$100.00) for each additional variation or classification.
- B. For special uses, variances, site plan review and zoning amendments, a sign must be erected on the subject property advertising that there will be a public hearing on same. The City provides and erects sign for a fee of fifty dollars (\$50.00) per sign.
- C. The actual amount deposited with the City shall exceed the flat fee by an amount to be determined by the City based on an estimate of the costs to be incurred which will be held in escrow to cover the cost of publishing legal notices, court reporter fees, and preparation of the transcript. Any balance remaining after all such costs are paid will be returned to the petitioner.
- D. For additional or continued hearings, the petitioner shall add to the escrow account an additional amount to be determined by the City based upon an estimate of the costs to be incurred to cover legal notices, court reporter fees, and preparation of the transcript. In the event there are any accounts receivable pending and unpaid at the

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time of the additional or continued public hearing the public hearing may be canceled by the City until payment has been received.

- E. Notwithstanding any of the above fee schedules, the City Council shall have the authority to waive in whole or in part any fee for any hearing before the Zoning Board of Appeals/Planning and Zoning Commission for petitions by any governmental agency or for any other party when such a fee would present a hardship. An applicant for a hardship waiver must present his request in writing to the City Council outlining the degree of such hardship.

*Supp. 18 (January, 1999)*

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#### CHAPTER 3 BUILDING PERMIT FEE SCHEDULE

##### SECTION

20-3-1	Permit Fees Required
20-3-2	General Building Construction
20-3-3	Plumbing
20-3-4	Electrical
20-3-5	Fences
20-3-6	Land Grades
20-3-7	Swimming Pools
20-3-8	Signs
20-3-9	Elevators
20-3-10	Solar Heating
20-3-11	Water

##### **20-3-1 PERMIT FEES REQUIRED**

Every applicant, before being granted a permit, shall pay to the City Clerk a permit fee as noted in each construction classification.

- A. In any case in which any work requiring a permit, as provided in this code, is begun without a permit having first been issued, the fee for such permit shall be double the amount as stated in this chapter. Such fee shall be in addition to, and independent of, any fine or penalty imposed for a violation of Article 15, Chapter 1, Section 20 of this code.
- B. The building coordinator shall, after receiving a written request, refund 80% of any building permit fees paid for any building project that has been cancelled or abandoned prior to any construction activity. For building permit applications that have not been issued but the fee was submitted, the building coordinator shall refund the entire building permit fee. Plan review fees are not refundable.
- C. The building permit fee shall be forfeited for any building project which has begun but has been suspended, revoked, abandoned or discontinued.

*(Ord. 2002-55, 11/18/02, S22, Ord. 2004-28, 4/5/04, S23)*

**20-3-2 GENERAL BUILDING CONSTRUCTION**

The fees for the issuance of general building construction permits listed hereunder shall be as follows:

*(12/99,S19)*

A. Fees for new structures, additions and enlargements are based on valuations as follows:

- 1. New Principal Structures = \$ 8.00 per \$1,000 of building value
- 2. Horizontal and vertical additions to principal structures = \$ 8.00 per \$1,000 of building value
- 3. Attached garages basements and additions not designed for year-round use = \$ 8.00 per \$1,000 of building value
- 4. Detached garages and accessory buildings = \$12.00 per \$1,000 of building value

Building valuation shall be based on the square foot costs indicated in the table on file in the office of the Building Administrator.

B. The permit fee for all alterations, repairs, remodeling, and for all off-street parking facilities, shall be the sum of twelve dollars (\$12.00) for each one thousand dollars (\$1,000) of the estimated cost or fraction thereof.

C. The fee for the issuance of a certificate of occupancy or duplicate thereof for new residential construction or additions shall be fifty dollars (\$50.00) (one certificate required for each dwelling unit and final overall certificate for multiple residential structures). For new commercial and institutional construction or additions, the fee shall be seventy-five dollars (\$75.00).

D. The fee for advance water shall be fifty dollars (\$50.00) per new construction permit.

E. The fee for each driveway shall be fifty dollars (\$50.00).

F. The fee for posting of a demolition or other sign shall be fifty dollars (\$50.00).

G. The fee for demolishing any building or structure, except detached accessory structures, shall be one thousand dollars (\$1,000.00).

*(2006-49, 6/19/06,S24)*

**20-3-3 PLUMBING**

The fees for the issuance of permits for the installation and inspection of plumbing systems or any portions thereof including fixtures, drains, sprinkler systems, refrigeration systems and any other parts or units connected to such systems shall be as follows:

- A. For the issuance of a permit covering the installation of a plumbing system including not more than five (5) fixtures, seventy-five dollars (\$75.00).
- B. In addition to A, for each additional fixture in excess of five (5), ten (\$10.00) per fixture.
- C. For the issuance of a permit covering installation of a system for sprinkling and watering grounds and lawns, seventy-five dollars (\$75.00).
- D. For the issuance of a permit for a water-cooled air-conditioning system, seventy-five dollars (\$75.00).
- E. For the issuance of a permit covering the installation of an automatic building sprinkler system, the fee shall be one hundred dollars (\$100.00) plus one dollar (\$1.00) per sprinkler head.
- F. For the issuance of a permit covering the installation of a water heater, thirty dollars (\$30.00).

*(2006-49, 6/19/06, S24)*

**20-3-4 ELECTRICAL**

The fees for the issuance of electrical permits listed hereunder shall be as follows:

- A. The minimum permit fee shall be seventy-five dollars (\$75.00).
- B. In addition to A, the permit fee for new electrical work shall be based on the total floor area using outside wall dimensions. This charge shall be at the rate of five cents (\$0.05) per square foot of total floor area.
- C. The permit fee for each electrical service panel shall be seventy-five dollars (\$75.00).

*(2006-49, 6/19/06, S24)*

**20-3-5 FENCES**

The permit fee for the construction of a fence shall be twenty-five dollars (\$25.00) for each one hundred (100) lineal feet or fraction thereof.

*(2006-49, 6/19/06, S24)*

**20-3-6 LAND GRADES**

The permit fee for any land grade alteration including the installation of a yard drain, berm or other landscaping shall be seventy-five dollars (\$75.00).

(2006-49, 6/19/06, S24)

**20-3-7 SWIMMING POOLS/SPAS**

The permit fee for the issuance of a swimming pool permit shall be as follows:

A. The permit fee for the erection or construction of an above-ground or in-ground swimming pool, spa or hot tub shall be a minimum fee of fifty dollars (\$50.00) plus twelve dollars (\$12.00) for each one thousand dollars (\$1000.00) of estimated cost or fraction thereof.

B. See Section 20-3-4 above for electrical fee.

(2006-49, 6/19/06, S24)

**20-3-8 SIGNS**

The fees for the issuance of sign permits listed hereunder shall be as follows:

A. The fee for a permit to erect an illuminated ground or wall sign shall be seventy-five dollars (\$75.00) for each one hundred (100) square feet or fraction thereof.

B. The fee for a permit to erect a non-illuminated ground or wall sign shall be forty dollars (\$40.00) for each one hundred (100) square feet or fraction thereof.

C. The fee for a permit to erect a temporary sign shall be thirty dollars (\$30.00).

D. The fee for a permit to erect an awning shall be thirty dollars (\$30.00).

E. See Section 20-3-4E above for electrical fee.

**20-3-9 ELEVATORS**

The fee for an elevator plan review shall be one hundred dollars (\$100.00) and the fee for the first inspection shall be an additional one hundred dollars (\$100.00) collected at the time the permit is issued. Any fees paid by the City of Park Ridge for additional inspections made by a private consultant on behalf of the City shall be collected before issuance of a certificate of inspection. The fee for the annual inspection shall be sixty dollars (\$60.00).

(Ord. 2002-55, 11/18/2002, Supp. 22)

**20-3-10 SOLAR HEATING**

The fee for a solar heating installation shall be fifty dollars (\$50.00), plus twenty-five cents (\$.25) per square foot of solar collector.

**20-3-11 HEATING, VENTILATION AND AIR CONDITIONING (HVAC)**

- A. The permit fee for single-family residential HVAC work shall be seventy-five dollars (\$75.00) per heating, air conditioning and blower unit plus \$0.05 per square foot of total floor area for new ductwork. The floor area shall be based on the total floor area using the outside wall dimensions.
- B. The permit fee for commercial, multi-family residential, or institutional HVAC work shall be one hundred dollars (\$100.00) per heating, air conditioning and blower unit plus twelve dollars (\$12.00) for each one thousand (\$1000.00) of estimated cost or fraction thereof.

*(2006-49, 6/19/06, S24)*

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#### CHAPTER 4 INSPECTION FEES

##### SECTION

- 20-4-1 Plan Review Fee
- 20-4-2 Subdivision Fee
- 20-4-3 Re-Inspection Fee *(ord. 2014-20, April 21, 2014)*

##### 20-4-1 PLAN REVIEW FEES

At the time an application for a building permit is submitted to the Building Department, the applicant shall pay a Plan Review Fee, in accordance with the following schedule:

<u>Type of Structure</u>	<u>Fee</u>
Single-family New	\$200.00 + \$0.02/sqft
Residential Additions	100.00 + \$0.02/sqft
Residential Remodeling	50.00 + \$0.02/sqft
Multi-family New	100.00 per unit + \$0.02/sqft
Multi-family Remodeling	50.00 per unit + \$0.02/sqft

  

<u>Commercial or Institutional</u>	<u>Floor Area of project (Square Feet)</u>
0-999	\$300.00 + \$0.02/sqft
1000-4999	\$500.00 + \$0.02/sqft
5000-and over	\$600.00 + \$0.02/sqft
Accessory Buildings and Structures	\$ 0.10/sqft

The plan review fee shall be separate from the permit fee; collected at the time the permit is issued, and shall be non-refundable. A separate plan review fee shall be charged for any revision in plans which requires a recalculation of bulk or density requirement or a re-evaluation of building, health, zoning, fire, engineering, or forestry requirements. In addition, the plan review fee shall also include any fees paid by the City of Park Ridge for plan reviews made by private consultants on behalf of the City and any administrative costs to secure and pay said consultants.

*(2006-49, 6/19/06, S24)*



**20-4-2 SUBDIVISION FEE**

At the time a proposed plat of subdivision is filed, the applicant shall pay a fee of two hundred dollars (\$200.00), plus fifty dollars (\$50.00) for each lot in the proposed subdivision.

**20-4-3 RE-INSPECTION FEE** *(ord. 2014-20; April 21, 2014)*

Re-inspection fee schedule per discipline and inspection type:

<u>Re-Inspection</u>	<u>Fee</u>
First re-inspection	\$0
First re-inspection not ready and failed to cancel	\$50.00
Second re-inspection	\$100.00
Third re-inspection	\$200.00
Fourth re-inspection and for each subsequent re-inspection	\$300.00

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#### CHAPTER 5 AMBULANCE SERVICE FEE

*(Ord. 2003-32, 4/21/03, Supp23), (Ord. 2006-71, 8/21/2006, Supp. 22),  
(Ord. 2008-29, 5/5/2008), (Ord. 2008-74, 10/06/2008) (Ord. 2011-29, 4/18/2011) (Ord. 2014-10, 03/03/2014)*

#### SECTION

- 20-5-1 Fee Imposed – Non-Resident
- 20-5-2 Fee Imposed – Resident
- 20-5-3 Fee Imposed – Medicare – Resident and Non-Resident

#### **20-5-1 FEE IMPOSED – NON-RESIDENT**

The following fees for ambulance and life support services are imposed upon any non-resident to whom such services are provided, except that such fees shall not be imposed where a Park Ridge ambulance is rendering assistance to a Public Safety agency of another governmental entity and has entered into a mutual aid billing agreement with that Public Safety agency. In that instance, resident fees set forth in Section 20-5-2 will be imposed. For purposes of this Chapter, the term “non-resident” means any person whose actual domicile is outside the City of Park Ridge.

#### Type of Service Fee

- A. Basic life support \$650.00
- B. Advanced life support \$950.00
- C. Advanced life support II \$1,150.00
- D. Mileage charge (1 mile minimum) \$15.00

**20-5-2 FEE IMPOSED – RESIDENT**

The following fees for ambulance and life support services are imposed upon a resident of the City of Park Ridge to whom such services are provided. For purposes of this Chapter, the term “resident” means any person whose actual domicile is within the City of Park Ridge.

Type of Service Fee

- A. Basic life support \$500.00
- B. Advanced life support \$700.00
- C. Advanced life support II \$950.00
- D. Mileage charge (1 mile minimum) \$15.00

**20-5-3 FEE IMPOSED – MEDICARE – RESIDENT AND NON-RESIDENT**

The following fees for ambulance and life support services are imposed upon a resident or non-resident who has Medicare coverage and to whom such services are provided,

Type of Service Fee

- A. Basic life support \$ \$367.32
- B. Advanced life support \$ \$436.20
- C. Advanced life support II \$ \$631.34
- D. Mileage charge (1 mile minimum) \$ \$7.16

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#### CHAPTER 6 ADMINISTRATIVE ADJUDICATION SYSTEM

(Ord. 2004-43, 6/21/2004, S24)

##### SECTION

20-6-1	Creation of Administrative Adjudication System
20-6-2	Purpose
20-6-3	Jurisdiction
20-6-4	Definitions
20-6-5	Administrative Hearings Supervisor
20-6-6	Traffic Compliance Administrator
20-6-7	Qualifications of Administrative Hearing Officer
20-6-8	Scope of Authority of Administrative Hearing Officers
20-6-9	Administrative Hearings
20-6-10	Procedure for All Code Violations Except Automated Traffic Law and Parking , Standing, and Vehicle Compliance Citations (Ord. 2014-35, 8/4/14)
20-6-11	Procedure for all Parking, Standing, and Equipment Violations (Ord. 2014-35, 8/4/14)
20-6-12	Procedure for Automated Traffic Law Violations
20-6-13	Location of Automated Traffic Law Enforcement System
20-6-14	Representation at Hearings
20-6-15	Default
20-6-16	Fines; Compliance Bond
20-6-17	Enforcement of Administrative Hearing Officer's Order
20-6-18	Election of Remedies

(Ord. 2009-30, 4/20/2009)

#### 20-6-1 CREATION OF ADMINISTRATIVE ADJUDICATION SYSTEM

- A. Pursuant to Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, *et seq.*, which authorizes municipalities to implement a system of administrative adjudication, there is hereby created a system of administrative adjudication of charges of Code violations for the City of Park Ridge. The system will authorize a hearing officer to conduct adjudicatory hearings of cases instituted by City Departments.
- B. The City adopts Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, *et seq.*, as it may be amended from time to time. In the event of a conflict between said statutes and this Article, this Article shall prevail.

- C. The adoption of this Article does not preclude the City from using other lawful methods to enforce the provisions of this Code.
- D. The City adopts Sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 5/11-208.6, which authorize municipalities to implement a system of administrative adjudication for automated traffic law violations and parking, standing and vehicle compliance citations. The administrative adjudication of standing, parking and vehicle compliance citations are governed by the City's authority pursuant to Section 11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3.

*(Ord. 2009-30, 4/20/2009, 2014-35, 8/4/14)*

## **20-6-2 PURPOSE**

The purpose of the Administrative Adjudication System of charges of Code violations is to provide a procedure by which charges of Code violations, including automated traffic law violations, can be equitably and efficiently adjudicated administratively by an Administrative Hearing Officer.

*(Ord. 2009-30, 4/20/2009)*

## **20-6-3 JURISDICTION**

Those matters subject to the Administrative Adjudication System provided for by this Article are charges of violation of any regulation of the City of Park Ridge, so long as the relief sought is not a penalty of incarceration or a total fine in excess of \$50,000, excluding allowable costs. The \$50,000 limitation shall not apply to those cases brought to enforce the collection of any tax imposed and collected by the City.

## **20-6-4 DEFINITIONS**

As used in this Chapter, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended:

AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM means a device with one (1) or more motor vehicle sensor(s) 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 Illinois Vehicle Code or a similar provision of this Code.

AUTOMATED TRAFFIC LAW VIOLATION means a motor vehicle entering an intersection against a red signal indication in violation of Section 11-306 of the Illinois Vehicle Code, or similar City Code, as described in Section 11-208.6 of the Illinois Vehicle Code.

CERTIFIED REPORT means a report concerning five (5) or more unpaid fines or penalties for Automated Traffic Law Violations made by the City to the Secretary in accordance with Section 6-306.5 of the Illinois Vehicle Code.

ILLINOIS VEHICLE CODE means 625 ILCS 5/1-100, *et seq.*

RECORDED IMAGES means 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.

SECRETARY means the Illinois Secretary of State.

SUSPENSION NOTICE means a notice of impending driver's license suspension issued pursuant to Section 11-208.3 of the Illinois Vehicle Code and Section 13-20-3 of this Code.

SYSTEM means, individually, an Automated Traffic Law Enforcement System or, collectively, Automated Traffic Law Enforcement Systems established in the City pursuant to this Chapter.

VIOLATION NOTICE means an Automated Traffic Law Violation notice issued pursuant to Sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code and the provisions of this Chapter.

*(Ord. 2009-30, 4/20/2009)*

VEHICLE COMPLIANCE VIOLATION means the violation of any regulation governing the condition or use of equipment on a vehicle or governing the display of City licenses or stickers and includes, but is not limited to, those violations set forth in Section 13-20-4 of the Municipal Code of the City of Park Ridge.

*(Ord. 2014-35, 8/4/14)*

## **20-6-5 ADMINISTRATIVE HEARINGS SUPERVISOR**

*(Ord. 2009-30, 4/20/2009)*

There is hereby established the Office of Administrative Hearings Supervisor. That Office shall be directed by an Administrative Hearings Supervisor, who shall be the City Manager, or his designee. The Administrative Hearings Supervisor's function is to expedite the prosecution and/or correction of Code violations subject to the jurisdiction of the Administrative Adjudication System. The Administrative Hearings Supervisor is authorized to manage the administrative adjudication process in the manner provided for in this Article, which shall include determining the qualifications of Administrative Hearing Officers, appointing Administrative Hearing Officers, and establishing such rules and regulations, as may be necessary for the effective operation of the Administrative Adjudication System. The City Manager may also appoint other persons to assist with the Administrative Adjudication System provided for in this Article.

## **20-6-6 TRAFFIC COMPLIANCE ADMINISTRATOR**

ADMINISTRATOR means the person appointed as the City's Traffic Compliance Administrator of this Code who shall have the following powers: to adopt, distribute and process parking, standing, vehicle compliance and automated traffic law violation notices

and other notices required by this Chapter; collect money paid as fines and penalties; operate the automated traffic law enforcement system; and make certified reports to the Secretary of State as required by this Chapter.

*(Ord. 2009-30, 4/20/2009; Ord. 2014-35, 8/14/2014)*

#### **20-6-7 QUALIFICATIONS OF ADMINISTRATIVE HEARING OFFICER**

*(Ord. 2009-30, 4/20/2009)*

Prior to conducting administrative adjudication proceedings under this Article, the Administrative Hearing Officers shall have successfully completed a formal training program that includes the following:

- A. Instruction on the rules of procedure of the administrative hearings over which the Administrative Hearing Officers shall preside;
- B. Orientation to each subject area of the code violations they will adjudicate;
- C. Observation of administrative hearings; and
- D. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

In addition, an Administrative Hearing Officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years, and be in good standing with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. An Administrative Hearing Officer must also not be a resident of the City of Park Ridge.

#### **20-6-8 SCOPE OF AUTHORITY OF ADMINISTRATIVE HEARING OFFICERS**

*(Ord. 2009-30, 4/20/2009)*

Administrative Hearing Officers shall preside over adjudicatory hearings. The authority of an Administrative Hearing Officer shall encompass all acts necessary to conduct fair and impartial adjudicatory hearings, including, but not limited to:

- A. Hearing testimony and accepting evidence that is relevant to the existence of the code violation.
- B. Administering oaths and affirmations to witnesses.
- C. At the request of any party or on the Administrative Hearing Officer's own motion, issuing subpoenas for the attendance of relevant witnesses and/or the production of relevant books, records, or other information.
- D. Preserving the record of the hearing, including all exhibits and evidence admitted into the record at the hearing.
- E. Issuing a determination based upon a review of the notice of violation, citation, other charging document (hereinafter, "charging document") and on the evidence admitted, which determination shall be final for purposes of judicial review under the Illinois Administrative Review Law. The determination shall be in writing, shall be signed by

the Administrative Hearing Officer, shall be designated as finding(s), decision, and order, and shall include the fine, penalty or action with which the respondent must comply.

F. Upon finding a respondent liable for violating one or more charged Code provisions:

1. Imposing penalties as provided by the governing penalty provision, except, however, that in no event shall an Administrative Hearing Officer have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000, excluding allowable costs. When applicable, each day a Code provision is found to have been violated by the respondent shall constitute a separate offense, and each separate offense subjects the respondent to the penalty provided by the governing penalty provision.
2. Imposing, in addition to fines, administrative and/or enforcement costs and, when applicable, imposing costs incurred by the City for effecting compliance with Code provision(s) for which a respondent has been found liable.
3. Ordering, notwithstanding fines imposed or costs assessed, the respondent to comply with Code provision(s) found to have been violated, and, if appropriate, ordering the respondent to post a compliance bond as provided by Section 20-6-15(B)(1).  
*(Ord. 2009-30, 4/20/2009)*
4. Ordering, regardless of fines imposed or costs assessed, the respondent to perform a term of community service or to complete a chemical abuse counseling program as set forth in Sections 12-6-31 and 14-16-7 of the Park Ridge Municipal Code.  
*(Ord. 2006-69,8/21/06,S24)*
5. Ordering forfeiture of all or part of bond money deposited by a defendant in a case involving a violation of the overweight provisions of Chapter 15 of the Illinois Motor Vehicle Code, 625 ILCS 5/15-100 *et seq.*, and Section 5/3-401(d) of the Illinois motor Vehicle Code, 625 ILCS 5/3-401(d), if Defendant is found guilty of or pleads guilty to the violation or fails to appear at the hearing.  
*(Ord. 2006-51, 5/19/06,S24)*
6. Ordering forfeiture of bond money deposited by a defendant in a vehicle impoundment case in accordance with Article 13, Chapter 23 of the Park Ridge Municipal Code if the owner of record is found guilty of or pleads guilty to the violation, fails to appear at the hearing, or fails to timely request a hearing.  
*(Ord. 2007-49, 6/4/07)*

- G. Adhering to the policies, procedures, and legislation set forth in the City Code, except where discretion is specifically vested in the Administrative Hearing Officer; provided, however, that an Administrative Hearing Officer is authorized to waive the fine and /or costs that otherwise would be imposed upon finding a respondent liable for one or more Code violations when the Administrative Hearing Officer specifically finds as a matter of fact that the violation(s) occurred under such circumstances that, as a reasonable person, would constitute an excuse for the violation(s).



- H. Asking questions of the parties and witnesses, if necessary, to ensure the clarity and completeness of the testimony and the record.
- I. Regulating the course of the hearing in accordance with this Article, the rules adopted by the Administrative Hearings Supervisor for the conduct of administrative hearing, and other applicable law.

## **20-6-9 ADMINISTRATIVE HEARINGS**

*(Ord. 2009-30, 4/20/2009)*

- A. All administrative hearings conducted by the Office of Administrative Hearings are open to the public and shall be presided over by a duly appointed Administrative Hearing Officer who is charged with providing the parties a full and fair opportunity to be heard.
- B. The City shall not be represented by an employee or other representative of the Office of Administrative Hearings Supervisor, provided, however, that documentary evidence, prepared by another Department of the City and submitted to the Office of Administrative Hearings, may be presented at the hearing by the Administrative Hearing Officer.
- C. All administrative hearings shall be conducted on the date set for hearing. For good cause shown, a continuance may be granted at the discretion of the Administrative Hearing Officer. The purpose of administrative hearings is to provide a prompt resolution of alleged Code violations, and accordingly, the request for, and the grant of, continuances shall be curtailed to the extent fairness permits. Lack of preparation shall not be grounds for a continuance. Continuances shall not be granted for more than two (2) months.  
*(Ord. 2005-16, 2/21/05, S24)*
- D. The Administrative Hearing Officer may issue subpoenas.
- E. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- F. The Administrative Hearing Officer shall permit persons to contest the merits of an alleged vehicular violation subject to the administrative adjudication procedures of this Article without attending a hearing. Any person who wishes to contest a vehicular violation must file a notarized statement of facts specifying grounds for contesting the violation notice, which must be filed with the Office of the Administrative Hearing Officer, postmarked within ten (10) days of the issuance of the notice of violation. The request shall be deemed filed, if postmarked by the due date herein specified. The submission of a notarized statement of facts is a waiver of the person's right to a personal appearance and the Administrative Hearing Officer will make his/her decision based upon the notarized statement of facts submitted by the person and the facts contained in the notice of violation(s).  
*(Ord. 2005-16, 2/21/05, S24)*

- G. No violation may be established except upon proof by a preponderance of the evidence; provided, however, that the original or a legible copy of the charging document, issued in accordance with the applicable provisions of this Code, shall be *prima facie* evidence of the correctness of the facts specified therein.
- H. The Administrative Hearings Supervisor shall determine the manner in which the record shall be preserved. Such preservation may be made by tape recording or other appropriate means. Recording by any means by any member of the public is prohibited unless expressly authorized by the Administrative Hearings Supervisor. The record of all hearings before an Administrative Hearing Officer shall include a copy of the findings, decision, and order of the Administrative Hearing Officer's final determination.
- I. At the conclusion of a hearing, the Administrative Hearing Officer shall issue his final determination. If the Administrative Hearing Officer issues a final determination of liability, he may impose fines, assess costs, and make orders, all as provided by Section 20-6-8 (F), and as are consistent with the specific Code provision(s) found to have been violated. *(Ord. 2009-30, 4/20/2009)*
- J. At the conclusion of the hearing, the Administrative Hearing Officer shall inform the parties orally and in writing of his determination, which determination constitutes a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law. Based on the charging document and the evidence admitted, the Administrative Hearing Officer may issue the following determinations: liable, not liable, or liable upon a plea of no contest. The Administrative Hearing Officer also may dismiss the case with or without prejudice or grant a properly made motion by the City voluntarily dismissing the case.

**20-6-10      PROCEDURE FOR ALL CODE VIOLATIONS EXCEPT AUTOMATED  
TRAFFIC LAW AND PARKING, STANDING, AND VEHICLE  
COMPLIANCE CITATIONS**

*(Ord. 2009-30, 4/20/2009, Ord. 2014-35, 8/4/14)*

All matters to be adjudicated by the Office of Administrative Hearings shall be commenced against the party alleged to have violated one or more Code provisions by issuing and serving upon that party a charging document and shall be conducted in accordance with the following procedures:

- A. The charging document shall be issued by a City officer or employee authorized to exercise Code enforcement authority and served as provided for in this Section 20-6-10 (C).
- B. Any charging document issued pursuant to this Section 20-6-10 shall contain the following information:
1. The name; City Department; position; and identification number, if applicable, of the person issuing the charging document;

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2. The name and address of the person or entity being charged with one or more Code violations (“respondent”);
3. The name and address of the person to whom the charging document is given if that person is not the respondent;
4. The section(s) of the Code alleged to have been violated;
5. The date, time, and place of the alleged violation(s);
6. A legally sufficient description of the activity or conduct alleged to constitute a violation of each Code section set forth in the charging document or a legally sufficient description of the facts giving rise to the allegations set forth in the charging document;
7. The complainant’s name if the complainant is not the issuing City officer or employee.

The City officer or employee shall certify the correctness of the information required by this Subsection 20-6-10 (B)(1) by signing his name to the charging document to be issued. Compliance with this Subsection 20-6-10 (B)(1) shall establish a *prima facie* case.

- C. A charging document issued pursuant to Subsection 20-6-10 (B)(1) also shall set forth
- (a) the date, time and place of the adjudicatory hearing to be held with respect to the violation(s) alleged in the charging document and (b) the legal authority and jurisdiction under which the hearing will be held.
1. Said hearing shall be scheduled with reasonable promptness, provided that for hearings scheduled in all non-emergency situations, the respondent shall have at least 15 days after service of process to prepare for a hearing if requested by the respondent. 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.
  2. The respondent named in a charging document, shall be given notice of the date of the adjudicatory hearing which may appear on the face of the notice of violation, citation, or other charging document. Notice of the hearing date may be given in any of the following ways: (i) by first class mail or by overnight or two-day commercial delivery service at the respondent’s last known address or if the respondent is a business entity, at any address identified for its registered agent or at its principal place of business; or, (ii) by personal service, (iii) by posting upon the property that is the site of the alleged violation(s) when the respondent is the owner or person in control of the property, or (iv) by any other means permitted by law for service of civil summons.
  3. If service is provided by first class mail or by overnight or two-day commercial delivery service, the 15-day period shall begin to run on the day that the notice is deposited in the mail or given to the commercial delivery service, as applicable.

- D. The original or a legible copy of the notice of violation, citation, or other charging document shall be filed with the Office of Administrative Hearings as soon as practicable at the place and in the manner as the Administrative Hearings Supervisor directs. Upon receiving the original or legible copy of the charging document, the Administrative Hearings Supervisor shall select a hearing date and give respondent notice of the date, time, and place of the hearing in the manner set forth in Subsection 20-6-10 (C), unless the charging document sets forth the date, time, and location of the hearing and was served personally on the respondent.
- E. Parties to an adjudicatory hearing may be represented by an attorney or other agent, present witnesses, and cross-examine opposing witnesses. Parties may request the Administrative Hearing Officer to issue subpoenas.
- F. In a hearing regarding a vehicle impoundment pursuant to Article 13, Chapter 23 of the Park Ridge Municipal Code, any sworn or affirmed report, citation or ticket that (i) is prepared in the performance of a law enforcement officer's duties; and (ii) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the owner of record's liability, unless rebutted by clear and convincing evidence.

*(Ord. 2007-49, 6/4/07)*

**20-6-11 PROCEDURE FOR ALL PARKING, STANDING AND EQUIPMENT VIOLATIONS** *(Ord. 2014-35, 8/4/14)*

All parking, standing and equipment violations shall be commenced against the party alleged to have violated one or more Code provisions by issuing and serving upon that party a violation notice and shall be conducted in accordance with the following procedures:

A. The violation notice shall be issued by a City officer or employee authorized to exercise Code enforcement authority and served as provided for in this Section 20-6-11(C).

B. Any violation notice issued pursuant to this Section 20-6-11 shall contain the following information:

1. The date, time and location of the violation;
2. The particular vehicular standing, parking or compliance regulation alleged to have been violated;
3. Vehicle make and state registration number;
4. The fine and any penalty which may be assessed for late payment;
5. The signature (which may be made by signing a certificate kept by the Administrator attesting to the correctness of all notices produced by a computerized device while under his/her control) and identification number of the person issuing the notice;

6. A section entitled "request for hearing" which shall explain how an administrative hearing may be requested and shall state that a hearing shall be held within thirty (30) days in accordance with this Chapter; and

7. A statement that payment of the indicated fine and any late payment penalty shall operate as a final disposition of the violation.

C. Service of the violation notice 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 vehicle; or

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

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

E. Any violation(s) notice(s) issued, signed and served in accordance herewith, or a copy of the notice, or any recorded image, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

F. Violation(s) notice(s) or a copy(s) or any recorded image shall be admissible in any subsequent administrative or legal proceeding.

G. Upon the failure of the registered owner or lessee of the cited vehicle to pay the fine, to request a hearing or to contest the matter by mail, an additional notice shall be sent, and shall contain, but not be limited to, the following information:

1. The date and location of violation cited in the vehicular standing, parking, or compliance or automated traffic enforcement regulation violation(s) notice(s).

2. The particular standing, parking, or compliance regulation alleged to have been violated.

3. The vehicle make and state registration.

4. The fine and any penalty that may be assessed for late payment.

5. The date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.

7. A statement that failure to either pay the 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 for the cited vehicle violation in the amount of the fine and penalty indicated.

8. A statement that upon the occurrence of a final determination of vehicular standing, parking, or compliance violation(s) liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the City.

H. Any additional notices shall be served by first-class mail, postage prepaid, to the address of the registered owner of the vehicle as recorded with the Secretary of State of Illinois, and, 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 if to the lessee of the cited vehicle at the time of the lease and, 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 such notice shall be deemed complete as of the date of deposit in the United States mail.

I. A notice of final determination of vehicular standing, parking, or compliance violation(s) liability shall be sent following an appearance by the violator and a determination of liability or the failure to appear by the violator at a hearing and upon conclusion of any administrative and/or judicial review procedures, as is hereinafter set forth, 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 City.
2. A warning that failure to pay the fine and any penalty due and owing the City within the time specified may result in the City's filing a complaint in the Circuit Court to have the unpaid fine or penalty rendered a judgment in accordance with 625 Illinois Compiled Statutes 5/11-208.3(f), incorporated herein by reference.
3. A warning that the failure to pay the fine and penalty may result in the suspension of the person's driver's license for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 Illinois Compiled Statutes 5/6-306.5.

4. A warning that the vehicle owned by the person and located within the City may be impounded for failure to pay fines or penalties for one (1) or more vehicular standing, parking or compliance regulation violation(s).

J. A person owing an unpaid fine or penalty for a vehicular standing, parking or compliance violation may file a petition to set aside a determination of liability within fourteen (14) days after service by the City of a Notice of Determination of Liability. Such a petition shall be filed by sending it, 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 petition shall be limited to (1) the person not having been the owner or lessee of the cited vehicle on the date the Violation Notice was issued; (2) the person having already paid the fine or penalty for the violation in question; or (3) excusable failure to appear at or request a new date for a hearing.

K. The schedule of fines shall be as set forth in Section 20-1-5 or Section 13-20-4, whichever is applicable, of the Park Ridge Municipal Code.

L. Nonresidents of the City who have been served vehicular standing, parking, or compliance regulation violation(s) notice(s), in accordance with this section, 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 filing a notarized statement of facts specifying the grounds for challenging the violation notice which must be filed with the Administrator within thirty (30) days. The statement shall set forth any facts relevant to establishing a defense to the alleged violation. The request shall be deemed filed upon receipt by the Administrator. The acceptance of a "nonresident request for hearing" after the due date or with cause, is at the discretion of the Administrator, and may be accepted for hearing consideration and decision. The Hearing Officer shall make an adjudication based upon the facts set forth in the notarized statement of facts filed by the nonresident as is contained in the violation notice. Notice of the determination of the Hearing Officer 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. Service of the notice shall be complete on the date the notice is placed in the United States mail. All other provisions of this section shall apply equally to nonresidents of this City.

*(2014-35, 8/4/14)*

## **20-6-12      PROCEDURE FOR AUTOMATED TRAFFIC LAW VIOLATIONS**

### **A. DETERMINATION PRIOR TO VIOLATION NOTICE**

Before a Violation Notice may be issued for any Automated Traffic Law Violation, a determination must be made by a technician employed or contracted by the City that based upon inspection of Recorded Images generated by the System, the

motor vehicle was being operated so as to commit an Automated Traffic Law Violation. 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 Violation Notice shall not be issued. A Recorded Image of a violation obtained by the automated traffic law enforcement system and that has been inspected by a technician shall be prima facie evidence of a violation of this Code.

## **B. VIOLATION NOTICE**

1. A Violation Notice 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 City of the identity of the owner of the vehicle, but in no event later than ninety (90) days after the violation. 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 a record kept in the ordinary course of business. A Violation Notice issued and served in accordance with this Chapter, 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.

2. The City shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the Notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable.

3. The Notice of Violation shall include the following information:

a. the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database;

b. the make (only if readily discernable and available) and registration number of the motor vehicle involved in the violation;

c. the violation charged/section(s) of the Code alleged to have been violated;

d. the location where the violation occurred;

e. the date and time of the violation;

f. a copy of the recorded images and, for video images, an explanation of how to access the images on the Internet;



g. the amount of the civil penalty and the date by which the penalty should be paid (21 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;

h. a statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;

i. the amount of the late fee;

j. a statement that the failure to pay by the date specified or to contest liability in a timely manner will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;

k. a statement that the recorded images constitute *prima facie* evidence of a violation of a red light signal;

l. a statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing;

m. a statement explaining how an administrative hearing may be requested; and

n. the identification number of the person issuing the Notice.

### **C. SERVICE OF NOTICES**

All notices 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, and, 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, if 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, and, 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 such Notices shall be deemed complete as of the date of deposit in the United States mail.

### **D. ADMINISTRATIVE HEARINGS**

The owner of a vehicle cited in a Violation Notice may request a hearing by the respond-by date on the Notice of Violation (21 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The lessee of a vehicle cited in a Violation Notice likewise shall be afforded the opportunity for a hearing pursuant to Section 20-6-7 of this Code.

### **E. DEFENSES.**

The following may be considered defenses by the Hearing Officer for an Automated Traffic Law Violation:

1. that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation;

2. that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle; or (ii) as part of a funeral procession.

3. the driver received a Uniform Traffic Citation from a police officer at the time of the violation for the same incident

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

#### **F. FINDINGS, DECISION AND ORDER**

The hearing officer shall enter a Findings, Decision and Order at the conclusion of a hearing. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's Notice of Findings, Decision and Order shall become final: (a) upon denial of a timely petition to set aside that determination, or (b) upon expiration of the period for filing such a petition without a filing having been made. The grounds for such a petition shall be limited to: (1) the person not having been the owner or lessee of the cited vehicle on the date the Violation Notice was issued, (2) the person having already paid the fine or penalty for the Violation in question, (3) excusable failure to appear at or request a new date for a hearing. A Findings, Decision and Order is final for purposes of judicial review when the Respondent appears for the hearing.

#### **G. NOTICE OF DETERMINATION OF LIABILITY.**

If the registered owner fails to pay or contest the Notice of Violation within twenty-one (21) days, a Notice of Determination of Liability will be sent to the owner indicating that a fine in the amount of \$100.00 is due to the City. The notice will also state that the owner can petition the City to set aside the determination of liability within fourteen (14) days. The owner will also be notified that the failure to pay the \$100.00 fine within fourteen (14) days will result in a late fee of \$100.00 added to the original fine. If the owner does not pay the \$100.00 as specified in the notice or petition the City to set aside the determination within fourteen (14) days, a Notice of Final Determination of Liability, as described in Sections 20-6-9(l) and 20-6-11(l), will be mailed to the owner indicating, in addition, that the owner has exhausted all challenge options and the \$100.00 fine and \$100.00 late fee is a debt due and owing to the City and must be paid within fourteen (14) days.

## **H. APPEALING DETERMINATION OF LIABILITY**

A person owing an unpaid fine or penalty for an Automated Traffic Law Violation penalty may file a petition to set aside a determination of liability within fourteen (14) days after service by the City of a Notice of Determination of Liability. 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: (1) the person not having been the owner or lessee of the cited vehicle on the date the Violation Notice was issued, (2) the person having already paid the fine or penalty for the Violation in question, (3) excusable failure to appear at or request a new date for a hearing.

## **I. NOTICE OF FINAL DETERMINATION OF LIABILITY**

A Notice of Final Determination of Liability shall be sent following the final determination of automated traffic law violation liability and the conclusion of any judicial review proceedings or the expiration of the time to file for judicial review, and shall contain, but not be limited to, the following information:

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

2. A warning that a failure to pay the fine and penalty due and owing the City within fourteen (14) days may result in the City's filing a complaint in the Circuit Court to have the unpaid fine or penalty rendered a judgment in accordance with Section 11-208.3(f) of the Illinois Vehicle Code.

3. A warning that a failure to pay the fine and penalty may result in the suspension of the person's driver's license for failure to pay fines or penalties for five (5) or more Violations.

## **J. SUSPENSION NOTICE**

A Suspension Notice, as provided by Section 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.6, and Section 13-20-3 of the Park Ridge Municipal Code, 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.

## **K. CHALLENGING CERTIFIED REPORTS**

1. 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 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 City 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.

2. The Administrator shall notify the Secretary of State whenever a person named in the Certified Report has paid the previously recorded fine or penalty or whenever the City determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

#### **L. NON-APPEARANCE PROCEDURES**

Those who receive Violation Notices may contest the merits of the alleged Automated Traffic Law Violation without attending a hearing by sending a notarized statement, 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 make an adjudication based upon the facts set forth in the notarized statement of facts and the facts contained in the Violation Notice.

#### **M. PENALTIES**

The owner (or lessee) of a motor vehicle is subject to a penalty of one hundred dollars (\$100.00) per Automated Traffic Law Violation. In the event that such penalty is not paid within fourteen (14) days after service of a Notice of Determination of Liability or a Findings, Decision and Order, an additional one hundred dollar (\$100.00) late payment penalty shall be imposed. A penalty shall not apply if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation.

### **20-6-13 LOCATION OF AUTOMATED TRAFIC LAW ENFORCEMENT SYSTEM**

The Automated Traffic Law Enforcement System consists of the devices that have one 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 Illinois Vehicle Code or a similar provision of this Code.

Devices shall be installed at the following location(s):

Westbound                      Oakton                      at                      Northwest Hwy  
(Ord. 2009-30, 4/20/2009)

### **20-6-14 REPRESENTATION AT HEARINGS**

(Ord. 2009-30, 4/20/2009)

- A. City Representation: The case for the City may be presented by a City employee or by an attorney designated by the corporation Counsel but not by an employee or other representative of the Office of Administrative Hearings, except as allowed by Section 20-6-9(B).
- B. Respondent Representation: The case for the respondent may be presented by the respondent or by an attorney or agent of the respondent. An attorney or agent appearing at an adjudicatory hearing on behalf of a respondent shall present the Administrative Hearing Officer with a signed appearance form stating, on oath or affirmation, that he or she has been authorized by the respondent to represent the respondent at the hearing.

### **20-6-15 DEFAULT**

(Ord. 2009-30, 4/20/2009)

- A. If at the time set for hearing, the respondent, or his attorney or agent of record, fails to appear, the Administrative Hearing Officer may enter a default judgment of liability against the respondent and impose fines and assess costs. A copy of the order of default shall be served in any manner permitted by this Article and applicable to the violation. A copy of the default judgment, which constitutes a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law, shall apprise the respondent of the procedure for setting aside the default judgment and shall also apprise the respondent of the availability of an appeal of the default judgment to the Circuit Court of Cook County.
- B. A respondent against whom a default judgment has been entered may file a motion with the Office of Administrative Hearings to set aside the default judgment and request a new hearing. A motion to set aside a default judgment may be filed at any time if the respondent alleges lack of subject matter or personal jurisdiction; in all other cases, the motion must be filed within 21 days of entry of the default judgment excepting Saturdays, Sundays, and holidays. A motion to set aside a default judgment shall set forth the reason(s) the respondent failed to appear on the original hearing date. An Administrative Hearing Officer shall hear and rule on the motion. If the Administrative Hearing Officer grants the motion, a hearing will be held

immediately on the alleged Code violation(s) set forth in notice of violation, citation, or other charging document unless the respondent requests another hearing date and presents good cause for continuing the hearing.

- C. If any default judgment is set aside pursuant to this Section 20-6-14, the Administrative Hearing Officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the City as a result of the vacated default judgment. *(Ord. 2009-30, 4/20/2009)*
- D. For automated traffic law violations, the person may petition to set aside a Notice of Determination of Liability pursuant to Section 20-6-11(H) and may petition to set aside a Notice of Findings, Decision and Order, if the person failed to appear at a hearing, pursuant to Section 20-6-11(F). *(Ord. 2009-30, 4/20/2009)*

## **20-6-16 FINES; COMPLIANCE BOND**

*(Ord. 2005-16, 2/21/05, S24); (Ord. 2009-30, 4/20/2009)*

- A. All fines and other monies to be paid to the City in accordance with this Article shall be remitted to the City and deposited in the appropriate City account as designated by the City Manager. All fines and other payments must be made within ten (10) calendar days.
- B. (1) In order to ensure that Code violations are remedied in a timely manner, an Administrative Hearing Officer, upon issuing a determination of liability that includes an order of compliance, may order the respondent in the case to obtain a bond to ensure respondent's timely compliance with the Code provision(s) found to have been violated. Any bond ordered pursuant to this Subsection 20-6-15(B)(1) shall name the City as beneficiary and shall be in the amount specified by the Administrative Hearing Officer, provided that the amount of the bond shall be reasonably related to the cost of compliance. Any bond issued as a result of an Administrative Hearing Officer's order is subject to review and modification by the City Manager as to form and amount. If the respondent fails to remedy in a timely manner the Code violation(s) for which a bond has been ordered and issued and the City undertakes remediation or otherwise expends funds related to the Code violation(s) for which a bond has been ordered and issued, the Administrative Hearing Officer, after giving the parties notice and opportunity to be heard, may issue an order permitting the City to draw against the bond in an appropriate amount. The Administrative Hearing Officer shall order the bond amount, less the reasonable costs incurred by the City, returned to the respondent upon proof of compliance with the Code provision(s) found to have been violated.
- (2) In the event that a respondent, who was ordered to secure a bond as provided by Subsection 20-6-15(B)(1), seeks judicial review of that portion of the Administrative Hearing Officer's order requiring a bond and prevails on that issue, the City shall release the bond, and if the City has drawn against the bond, the City shall refund to the respondent the total amount drawn within 30 days of receiving a copy of the reviewing court's mandate.

**20-6-17 ENFORCEMENT OF ADMINISTRATIVE HEARING OFFICER'S ORDER**

*(Ord. 2009-30, 4/20/2009)*

- A. Any fine and any administrative, enforcement, or compliance costs imposed by an Administrative Hearing Officer's order that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures, unless stayed by a court of competent jurisdiction, shall be a debt due and owing the City and may be collected in accordance with applicable law.
- B. After the expiration of the period for which judicial review may be sought, unless stayed by a court of competent jurisdiction, the determination of liability of an Administrative Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction, except for automated traffic law violations. At such time, the Administrative Hearings Supervisor shall send a notice of final determination of liability to respondent.
- C. Any fine, penalty, and/or cost remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the City. Failure of the respondent to pay such fine or penalty within fourteen (14) days of the notice may result in a lien against the respondent's property or such other remedies as may be available by law, including the denial of the issuance or renewal of licenses or permits pursuant to Chapter 6 of this Article 20.
- D. In any case in which a respondent fails to comply with an Administrative Hearing Officer's order to correct a Code violation, any expenses incurred by the City to enforce the Administrative Hearing Officer's order, 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 an Administrative Hearing Officer, shall be a debt due and owing the City. Prior to any expenses being fixed by an Administrative Hearing Officer pursuant to this Subsection 20-6-16(D), the respondent shall be provided with notice that directs the respondent to appear at a hearing before an Administrative Hearing Officer to determine whether the respondent has failed to comply with the Administrative Hearing Officer's order. The Notice shall set the place and the time for the hearing, which shall not be less than seven days from the date the Notice is served. Notice may be served by first class mail or by an overnight or 2-day commercial delivery service and the seven-day period shall begin to run on the date that the notice was personally served, deposited in the mail or placed with the overnight or commercial delivery service.
- E. Nothing in this Section shall prevent the City from enforcing or seeking to enforce any order of an Administrative Hearing Officer in any manner provided by law.

**20-6-18 ELECTION OF REMEDIES**

*(Ord. 2009-30, 4/20/2009)*

In no case may the Office of Administrative Hearings conduct an adjudicatory hearing for an alleged Code violation where the remedy provided for is a punishment of imprisonment. Nothing in this Article, however, shall preclude the City from petitioning a court of competent jurisdiction to adjudicate any ordinance violation or an ordinance violation, which provides the remedy of imprisonment, or from petitioning a court of

## Park Ridge Municipal Code

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competent jurisdiction to impose the remedy of imprisonment for failure to comply with an order of an Administrative Hearing Officer.



## ARTICLE 20

### ADMINISTRATIVE PROCEDURE

#### CHAPTER 7 PUBLIC WORKS FEES

*(Ord. 2006-49, 6/19/06,S24)*

#### SECTION

- 20-7-1 Storm Water Detention Fee
- 20-7-2 Construction Right-of-Way Permits
- 20-7-3 Water Taps
- 20-7-4 Water Meters
- 20-7-5 Sewer Connection Fee for New Construction
- 20-7-6 New Water Service Connection Fee
- 20-7-7 Tap Inspection Fee
- 20-7-8 Parkway Tree Care
- 20-7-9 Utility Plan Review Fee

*(Ord 2015-35, 06/01/15)*

#### 20-7-1 STORM WATER DETENTION FEE

When required by 11-3-9, the developer or owner shall pay to the City, a fee in the amount of thirty dollars (\$30.00) per cubic foot of required storm water detention not provided; however, such fee shall not exceed five percent (5%) of the construction cost of the development as determined by the Director of Public Works.

*(Ord. 2006-49, 6/19/06,S24) (Ord. 2011-04, 1/17/2011)*

#### 20-7-2 CONSTRUCTION RIGHT-OF-WAY PERMITS

Unless otherwise provided by law, franchise, license or similar agreement, upon issuance of any permit for construction on a City Right-of-Way, the applicant shall pay a Permit Fee of:

1. Seventy five dollars (\$75.00) for each inspection required by the Director of Public Works for every
  - a. Opening in any Right-of-Way;

- b. Construction of curb and gutter, driveway approach, sidewalk, sprinkler system, or Freestanding Facility;
- c. Land grade alteration, restoration site, water tap, or sewer tap;
- d. Dumpster or equipment that disrupts the Right-of-Way.

For any two of the foregoing inspections at the same time, the fee shall be a total of one hundred dollars (\$100).

- 2. The fee for opening a street shall be three hundred dollars (\$300.00).  
*(2006-49, 6/19/06, S24)*

**20-7-3 WATER TAPS**

The following fee shall be charged for water taps:

1" Tap	\$450.00
1 1/2" Tap	\$550.00
2" Tap	\$600.00
Over 2" Tap	The contractor is responsible for providing the materials and performing the tap.

*(2006-49, 6/19/06, S24)*

**20-7-4 WATER METERS**

All meters will be charged at City cost plus a \$25.00 administrative fee.

The following shall be charged for water meters:

A. Disc Meters

5/8"	\$ 80.00
3/4"	110.00
1"	150.00
1 1/2"	300.00

B. Compound Meters

2"	\$1,000.00
3"	Market Price
4"	Market Price
6"	Market Price
Turbo Meters	Market Price

*(2006-49, 6/19/06, S24); (2015-35, 06/01/2015)*

**20-7-5 SEWER CONNECTION FEE FOR NEW CONSTRUCTION**

The fee for sewer connections shall be two hundred dollars (\$200.00) for a single-family building and one hundred and fifty dollars (\$150.00) per unit for multi-family buildings. For all other types of construction, the fee shall be one hundred dollars (\$100.00) for the first 1,000 square feet of the building and fifty dollars (\$50.00) for each 1,000 square feet or portion thereof of the building thereafter.

*(2006-49,6/19/06,S24)*

#### **20-7-6 NEW WATER SERVICE CONNECTION FEE**

Whenever a new single-family building is being connected to the City water system for the first time and as a result adds a new service to the City water system, the fee shall be three hundred and fifty dollars (\$350.00). Whenever any commercial, institutional or multi-family building is being connected to the City water system for the first time and as a result adds a new service to the City water system, the fee shall be one thousand dollars (\$1000.00).

*(2006-49,6/19/06,S24)*

#### **20-7-7 TAP INSPECTION FEE**

There is hereby established the charge of seventy-five dollars (\$75.00) as the fee payable to the City of Park Ridge for its inspection of the physical tap onto either the water or sewer system.

*(2006-49,6/19/06,S24)*

#### **20-7-8 PARKWAY TREE CARE**

There is hereby established the charge of \$300.00 for the fertilization, mulching and aeration of trees located on parkways adjoining a property where either a new house or an addition is being constructed. Such fee may be waived if, in the opinion of the City Forester, such construction does not affect the health of the trees on the adjoining parkway.

*(2006-49,6/19/06,S24)*

#### **20-7-10 UTILITY PLAN REVIEW FEE**

At the time an application for a permit to install any utility on, over, above, along, upon, under, or across, or within any City Right-of-Way is submitted to the Director of Public Works, the applicant shall pay a Plan Review Fee in amount of \$500.00 to defray the reasonable cost to the City for reviewing the application. The plan review fee shall be separate from the permit fee; collected at the time the permit is issued, and shall be non-refundable.

*(2006-49,6/19/06,S24)*

## ARTICLE 20

### ADMINISTRATIVE PROCEDURE

#### CHAPTER 8 CITATIONS FOR OFFENSES EXCLUDING PARKING OFFENSES

(Ord. 2007-37, 5/7/07)

##### SECTION

20-8-1	Applicability of this Chapter
20-8-2	Issuance of Citation
20-8-3	Payment within Fourteen Days
20-8-4	Notice to Appear
20-8-5	Payment of Violations
20-8-6	Fee for Collection

##### **20-8-1 APPLICABILITY OF THIS CHAPTER**

This Chapter shall apply to all offenses, not including parking violations, vehicle sticker violations, dog and cat licensing violations and all other offenses covered by Section 20-1-1, *et seq.* of the Park Ridge Municipal Code.

##### **20-8-2 ISSUANCE OF CITATION**

A peace officer or conservator of the peace, including but not limited to an environmental health officer, building official, building inspector, zoning official, city forester, forester, city engineer, public works director and assistant director of public works, is authorized to issue a ticket for a violation of Articles 5, 9, 11, 12, 14, 15, and 22 of the Park Ridge Municipal Code and of the City of Park Ridge Zoning Ordinance. In lieu of issuing a ticket that requires an appearance in court or before the Administrative Hearing Officer, may issue a citation to the offender that requests the offender to make payment in an amount applicable to the alleged violation as set forth in Section 20-8-5 as settlement of said violation claim; and informing the offender that upon failure to settle, the offender will be required to appear before the Administrative Hearing Officer to contest the violation.

In addition to the Articles set forth above and described in more detail in Section 20-8-5, citations may also be issued for such other violations as the Director of Community Preservation and Development or the Director of Public Works may, by policy, determine to be appropriate for settlement and compromise as described in this Chapter. In determining which violations shall be subject to such a settlement and compromise, the Director of Community Preservation and Development and/or the Director of Public Works shall give consideration to the severity of the violation, the necessity for judicial

imposition of a penalty, the administrative impact of court appearances by peace officers, as defined above, and the effectiveness of such procedures in determining and correcting violations. In the case of violations of a continuing nature, the violator may be required to present evidence of correction of the violation before the citation may be settled and compromised.

### **20-8-3 PAYMENT WITHIN FOURTEEN DAYS**

Pursuant to said citation, the person accused of the violation may settle and compromise the violation claim with respect to such ordinance violation by paying to the City the applicable amount as set forth in Section 20-8-5 hereof, within a period to be specified in said citation – not more than fourteen (14) days of the time the citation is issued. The payment shall be made in accordance with the instructions contained in the citation.

### **20-8-4 NOTICE TO APPEAR**

In the event that the person issued a citation fails to settle and pay the citation within the prescribed time, or within a period of time specified in a final notice (if one is served upon him), then the individual will be required to appear before the Administrative Hearing Officer for a hearing, as provided for in Section 20-6-1 *et seq.* of the Park Ridge Municipal Code.

### **20-8-4 PAYMENT OF VIOLATIONS**

The violation described in a citation issued pursuant to this Chapter may be settled, compromised and paid pursuant to the terms of this Chapter, in the amount set forth on the citation and in the following schedule:

- A. In the event that payment is made prior to the date specified on the citation, the amount set forth on the citation, which is within the range of \$50.00 to \$500.00, shall be accepted as settlement and payment.
- B. In the event that payment has not been made prior to the date specified in said citation, a notice shall be sent to the violator that the original amount set forth on the citation plus a late fee of \$15.00 shall be accepted as settlement and payment if paid within fourteen (14) days of the notice.
- C. In the event that payment has not been made prior to the date specified on the notice, a second and final notice shall be sent to the violator that the original amount set forth on the citation plus an additional late fee of \$ 25.00 shall be accepted as settlement and payment if paid within fourteen (14) days of the notice.
- D. If the amount listed in the second and final notice is not paid within fourteen (14) days of the final notice, the alleged violator will be required to attend a hearing on the date specified in the second and final notice. If the alleged violator does not pay the

amount listed in the second notice, including the late fees, within fourteen (14) days and does not appear at the hearing, the Administrative Hearing Officer will enter a finding of guilty and impose a fine and/or costs. The Hearing Officer will issue a Notice of Determination of Liability to the alleged violator in accordance with the default provisions set forth in Section 20-6-10 of the Municipal Code of the City of Park Ridge.

- E. Nothing set forth in Subsections A, B, and C of this Section 20-8-5 shall limit the ability of the Administrative Hearing Officer to set and determine the fine within the minimum and maximum limits for the offense as set forth in the Park Ridge Municipal Code.
- F. Nothing set forth herein shall limit the ability of any alleged violator to request, at any time before the entry of a final determination of liability, a hearing before the Administrative Hearing Officer to determine liability for the violation or to contest the violation in accordance with Section 20-6-1 *et seq.* of the Municipal Code of the City of Park Ridge. In addition, nothing set forth herein shall limit the ability of any violator to seek judicial review of a final determination of liability in accordance with Illinois Administrative Review Law.

#### **20-8-5 FEE FOR COLLECTION**

In addition to any other remedy or method provided in this code or by other law for collection of fines or other debts owed to the City, services of a commercial collection agency may be used. The Finance Director shall establish rules regarding circumstances in which a collection agency will be used. Any fine or other debt owed to the City, which is referred to a collection agency, shall be increased by an amount sufficient to offset the additional cost to the City of the collection agency services.