

ORIGINAL

ORDINANCE NO. CO-2015-27

**AN ORDINANCE AMENDING TITLE III (ADMINISTRATION),
CHAPTER 39 (ADMINISTRATIVE ADJUDICATIONS OF VIOLATIONS),
SECTION 39.08 (ADMINISTRATIVE HEARINGS) AND
SECTION 39.14 (VEHICLE CONFISCATION HEARINGS)
OF THE MAYWOOD VILLAGE CODE RELATIVE TO
ADMINISTRATIVE ADJUDICATIONS AND VEHICLE CONFISCATION HEARINGS**

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to Title VII (Traffic Code), Chapter 70 (General Provisions), Section 70.01 (State Traffic Laws Adopted) of the Maywood Village Code, the Village has adopted the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*) as a part of the Maywood Village Code and applicable in the Village; and

WHEREAS, the Village currently enforces violations of the Maywood Village Code through an administrative hearing program, as controlled by Title III (Administration), Chapter 39 (Administrative Adjudications of Violations) of the Maywood Village Code; and

WHEREAS, pursuant to the powers and authority granted to the Village by the applicable police powers and code enforcement provisions of the Illinois Municipal Code (65 ILCS 5/1-2, 5/1-2-1.1 and 5/11-1 *et seq.*) and its home rule authority under Article VII, Section 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village of Maywood find that the below Village Code amendments further the public health, welfare and safety, and are in the best interests of the Village, its residents and the public.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Title III (Administration), Chapter 39 (Administrative Adjudications of Violations), Section 39.08 (Administrative Hearings) of the Maywood Village Code is amended by adding a new Subsection J and the letter designations thereafter shall be updated to read in their entirety as follows:

39.08: Administrative Hearings

[...]

(J) It shall not be a defense that a compliance violation has been corrected prior to adjudication of the charge.

(K) The record of all hearings before a Hearing Officer shall include:

- (1) A record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;
- (2) All documents presented at the hearing;
- (3) A copy of the notice of violation or notice of hearing; and
- (4) A copy of the findings and decision of the Hearing Officer.

(L) Recording by any means by any member of the public is prohibited unless expressly authorized. However, any party may request that the proceedings be taken and transcribed by a certified court reporter. The cost of the reporter shall be borne by the party requesting the court reporter.

(M) At the conclusion of a hearing, the Hearing Officer shall issue his final determination. Based on the notice of violation and the evidence admitted, the Hearing Officer may issue the following determination: liable, not liable, or liable upon a plea or plea of no contest. The Hearing Officer also may dismiss the case with or without prejudice or grant a properly made motion by the Village voluntarily dismissing the case. If the Hearing Officer issues a final determination of liability, he may impose fines, assess costs and make specific orders to correct violations, all as are consistent with the specific Code provision(s) found to have been violated.

(N) At the conclusion of the hearing, the Hearing Officer shall inform the parties orally and in writing of his determination. Except as specified in this subsection, that determination constitutes a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law. Where a person fails to appear at the administrative hearing to contest the alleged violation on the date and at the time and place specified in a prior served or mailed notice pursuant to § 39.07, the Hearing Officer's determination of liability shall become final either upon a denial of a timely petition to set aside that default order, or upon the expiration of the period for filing such a petition without a filing having been made.

SECTION 3: Title III (Administration), Chapter 39 (Administrative Adjudications of Violations), Section 39.14 (Vehicle Confiscation Hearings) of the Maywood Village Code is amended in its entirety to read as follows:

39.14: Vehicle Confiscation Hearings

[...]

(A) Within 10 days after a vehicle is seized and impounded pursuant to §§ 99.18 through 99.25 of this Code, the Police Department or other appropriate Department shall notify by certified mail or personal service the owner of record of the seizure and impoundment of the vehicle, the penalty assessed, and of his right to request a hearing before the Ordinance Enforcement Department to challenge whether a violation of this Code for which seizure and impoundment applies has occurred pursuant to this division. A copy of the notice shall be forwarded to the Ordinance Enforcement Department. The notice shall state the penalties that may be imposed if a hearing is not requested, including that a vehicle not released by cash bond and remaining in the Village pound may be sold or disposed of by the Village in accordance with applicable law.

SECTION 4: To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to sections that need to be amended or deleted within the Maywood Code of Ordinances, as amended, as a consequence of the above Code Amendments, shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 5: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 6: Each section, paragraph, 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 that part affected by such decision.

SECTION 7: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 8: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 15th day of September, 2015, pursuant to a roll call vote as follows:

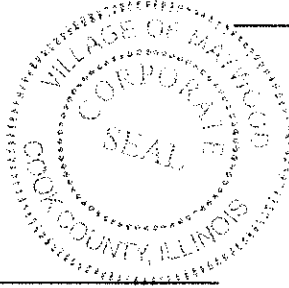
AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I Brandon,
A. Dorris, M. Rogers, M. Lightford, and R. Rivers

NAYS: None

ABSENT: None

APPROVED by me as President this 16th day of September, 2015, and attested to by the Village Clerk this same day.



VILLAGE PRESIDENT



ATTEST:


VILLAGE CLERK

Published by me in pamphlet form this 16th day of September, 2015.


VILLAGE CLERK

