



ORDINANCE No. 2436-25

AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF HAWTHORN WOODS – RENUMBERING SECTIONS 1-11-6, JUDICIAL REVIEW; 1-11-7, ENFORCEMENT OF JUDGMENT; AND 1-11-8, IMPACT ON EXISTING ADMINISTRATIVE ADJUDICATION SYSTEMS, AND CREATING A NEW TITLE 1, SECTION 1-11-6— PROCEDURES FOR VIOLATIONS - PARKING, STANDING, CONDITIONS OF VEHICLES, AUTOMATED TRAFFIC LAW VIOLATIONS

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: That Title 1, Section 1-11-8 of the Village Code of the Village of Hawthorn Woods entitled, “IMPACT ON EXISTING ADMINISTRATIVE ADJUDICATION SYSTEMS”, is hereby amended by renumbering such section to 1-11-9.

SECTION TWO: That Title 1, Section 1-11-7 of the Village Code of the Village of Hawthorn Woods entitled, “ENFORCEMENT OF JUDGMENT” is hereby amended by renumbering such section to 1-11-8.

SECTION THREE: That Title 1, Section 1-11-6 of the Village Code of the Village of Hawthorn Woods entitled, “JUDICIAL REVIEW” is hereby amended by renumbering such section to 1-11-7.

SECTION FOUR: That Title 1, Section 1-11-6 of the Village Code of the Village of Hawthorn Woods is hereby amended by adding the following language:

...”1-11-6: PROCEDURES FOR VIOLATIONS - PARKING, STANDING, CONDITIONS OF VEHICLES, AUTOMATED TRAFFIC LAW VIOLATIONS:

12. A warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle.

D. A violation notice for an automated traffic law violation must also contain a copy of the recorded images, accompanied by a statement that recorded images are evidence of a violation of a red light signal.

E. Service of a violation notice may be made by:

1. Affixing the original or a facsimile of the notice to the vehicle; or
2. Handing the notice to the operator of the vehicle if he or she is present; or

3. In the case of service of an automated traffic law violation, by mail to the address of the registered owner of the cited vehicle as recorded with the Secretary of State within thirty (30) days after the Secretary of State notifies the Village of the identity of the owner of the vehicle, but in no event later than ninety (90) days after the violation.

F. The following certifications are required:

1. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices must certify the correctness of the facts entered on the violation notice by signing the notice at the time of service or, in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the Code Hearing Unit attesting to the correctness of all notices produced by the device while it was under his or her control.

2. In the case of an automated traffic law violation, a technician employed or contracted by the Village must determine, based on inspection of recorded images, that the subject vehicle was being operated in violation of section 11-208.6 of the Illinois Vehicle Code or in violation of this code. 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, no citation may be issued.

G. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, must be retained by the Code Hearing Unit and must be kept as a record in the ordinary course of business.

H. A parking, standing, compliance, or automated traffic law violation notice issued, signed, and served in accordance with this section, a copy of the notice, or the computer generated record is prima facie correct and is considered prima facie evidence of the correctness of the facts shown on the notice.

I. The notice, copy, or computer generated record is admissible in any subsequent administrative or legal proceedings.

J. Additional notices must be sent in the manner and sequence established by this subsection and must include, but are not limited to, the information specified herein:

1. Service of additional notices must 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 of State;

or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States post office approved database; or, pursuant to section 11-1306 of the Illinois Vehicle Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease; or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States post office approved database. Service of additional notices is deemed complete as of date of deposit in the United States mail.

2. A second notice of a parking, standing, or compliance violation may be sent, which notice must contain, but is not limited to, the following information:

- a. The date and location of the violation cited in the parking, standing, or compliance violation notice;
- b. The particular regulation violated;
- c. The vehicle make and state registration number;
- d. Any requirement to complete a traffic education program;
- e. The fine and any penalty that may be assessed for late payment or failure to complete a traffic education program, or both, when so provided by ordinance;
- f. Information as to the availability of a hearing in which the violation may be contested on its merits;
- g. Information about the time and manner in which a hearing may be had; and
- h. A statement that failure to complete a required traffic education program, or to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any incomplete traffic education program or any unpaid fine or penalty, or both, will constitute a debt due and owing the Village.

3. A notice of final determination of parking, standing, compliance, or automated traffic law violation liability must be sent following a final determination of parking, standing, compliance, or automated traffic law violation liability and the conclusion of judicial review procedures, which notice must contain, but is not limited to, the following information:

a. A statement that the incomplete traffic education program or the unpaid fine or penalty, or both, is a debt due and owing the village; and

b. Warnings that failure to complete any required traffic education program or to pay any fine or penalty due and owing the Village, or both, within the time specified may result in the Village's filing of a petition in the circuit court to have the incomplete traffic education program or unpaid fine or penalty, or both, rendered a judgment, or may result in suspension of the person's driver's license for failure to pay fines or penalties for ten (10) or more parking violations under section 6-306.5 of the Illinois Vehicle Code or five (5) or more automated traffic law violations under section 11-208.6 of the Illinois Vehicle Code.

K. In instances of an alleged violation of Title 6 of this Code pertaining to automated traffic law violations and the violations concerning standing, parking, and condition of vehicles, it is considered a defense to a violation charged if the owner, the owner's attorney, or any other agent or representative proves to the Hearing Officer's satisfaction that:

1. 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, as provided in section 11-208.6(i) of the Illinois vehicle code; or

2. The vehicle entered the intersection as part of a funeral procession; or

3. The vehicle entered the intersection in order to yield the right of way to an emergency vehicle; or

4. Any other evidence or issues in this Code exist as a defense to an alleged violation of Title 6 of this Code.

L. For purposes of the required traffic education program only, an owner may submit an affidavit to the court or Hearing Officer swearing that, at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

M. For violations of Title 6 of this Code pertaining to automated traffic law violations and violations concerning the standing, parking, or condition of vehicles:

1. Final Disposition: Payment of the indicated fine, and any applicable penalty for late payment, and completion of any required traffic education program and payment of any applicable penalty for late completion thereof, constitute final disposition of the violation.

2. Final Determination Of Liability: Final determination of violation liability occurs following failure to complete the required traffic education program, to pay the fine or penalty, or both, after a Hearing Officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by this Chapter."

SECTION FIVE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION SIX: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

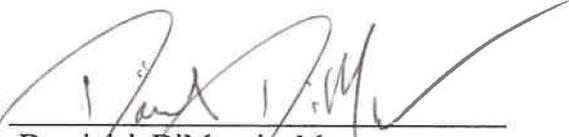
The foregoing Ordinance was adopted by a roll call vote as follows:

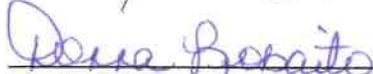
AYES: Kaiser, McCarthy, Lynch, Bayer, Heiser, Rama

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: February 24, 2025

APPROVED: February 24, 2025

PUBLISHED: February 25, 2025