

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 29 (“ADMINISTRATIVE ADJUDICATION”), ARTICLE 2 (“ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS”), SECTION 29-2-8 (“RESPONSE TO A NOTICE OF VIOLATION; FAILURE TO RESPOND; DEFAULT”) OF THE OAK PARK VILLAGE CODE**

**WHEREAS**, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village Board has determined to amend Chapter 29 (“Administrative Adjudication”), Article 2 (“Administrative Adjudication of Parking Violations”), Section 29-2-8 (“Response to a Notice of Violation; Failure to Respond; Default”) of the Oak Park Village Code as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 29 (“Administrative Adjudication”), Article 2 (“Administrative Adjudication of Parking Violations”), Section 29-2-8 (“Response to a Notice of Violation; Failure to Respond; Default”) of the Oak Park Village Code is amended by adding the underlined language and deleting the overstricken language to read as follows:

#### **29-2-8: RESPONSE TO A NOTICE OF VIOLATION; FAILURE TO RESPOND; DEFAULT:**

A. A person served with a parking violation notice pursuant to section 29-2-5 of this article shall, within fourteen (14) days from the date of the notice: 1) pay the indicated fine, or, in the manner indicated on the notice, either 2) submit the materials set forth in section 29-2-7 of this article to obtain an adjudication in writing; or 3) request an administrative hearing as set forth in section 29-2-6 of this article to contest the charged violation. A response by mail or online shall be deemed timely if postmarked or posted online within fourteen (14) days of the issuance of the notice of violation.

B. If none of the actions set forth in subsection 29-2-8A of this section are taken within fourteen (14) days of the notice of violation, then an order of default will be entered against the respondent. Upon the issuance of an order of default, the Director shall cause a notice of default to be sent to the respondent in the manner set forth in section 29-2-12 of this article.

C. The Notice of Default shall specify the date and location of the underlying violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine and penalty for late payment, the deadline date to either: (1) contest the citation in writing or online; o, (2) to request an in person or remote ~~time and place of a~~ hearing in which the default may be vacated and the violation contested on its merits. The Notice of Default shall also state that failure to either pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits, will result in a Final Determination of Liability for the cited violation in the amount of the fine and/or penalty indicated, and that, upon the occurrence of a Final Determination of violation liability, and the exhaustion of, or failure to exhaust, available judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the Village of Oak Park.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 6<sup>th</sup> day of December, 2021, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Walker-Peddakotla				

**APPROVED** this 6<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this 6<sup>th</sup> day of December, 2021.

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Christina M. Waters, Village Clerk