

ORDINANCE NO. 8889-53

AN ORDINANCE
AMENDING THE URBANA LOCAL TRAFFIC ORDINANCE, AS AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the Urbana Local Traffic Ordinance, as amended, be and the same is hereby further amended by repealing Section 14-10, of Article XIV, entitled "Stopping, Standing or Parking Restricted or Prohibited on Certain Streets", Sections 17-15 and 17-16 of Article XVII, entitled "Parking Meters", and all of the existing Article XVI, entitled "Penalties and Procedure on Arrest", and in their place, a new Article XVI, entitled "Parking Violation Procedures and Penalties", is enacted to read as follows:

Section 16-1. Parking violation procedures.

Any person who violates any provision of Articles XII, XIII, XIV or Sections 17-4 through 17-10 of the Urbana Local Traffic Ordinance shall be subject to the following procedures and penalties:

a) A notice shall be attached to the windshield of the illegally parked vehicle or to any other obvious place on the vehicle if there is no windshield or handed to the operator of such vehicle if he or she is present. The notice shall state the following:

- i. the date, time and place of the violation,
- ii. the regulation violated,
- iii. the fine/penalty assessed,
- iv. the state registration number and vehicle make,
- v. the signature and ID number of the person issuing the notice,
- vi. a statement that payment of the fine indicated will result in final disposition of the matter,
- vii. the information regarding the opportunity to informally contest the violation on its merits within 72 hours of receipt of "hang-on" notice,
- viii. notification of availability of a formal hearing at which the violation may be contested on its merits, and
- ix. the time, date, and manner of the hearing.

b) Payment of a ticket for a parking violation at any time is a final determination of liability.

i. Fine levels shall be determined by the timing of the violator's own actions in clearing the penalty. The point at which the violator first utilizes one of the administrative remedies for clearing up the parking violation which is provided in Article XVI of this ordinance shall determine which level of payment is due, provided the violator is pursuing the administrative remedies provided for herein.

ii. Payment shall be made according to the following schedule:

<u>Violation</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
	<u>Within 72 Hours</u>	<u>Between 72 Hours and 30 days</u>	<u>After 30 days</u>
Meter overtime (Sections 17-8 and 17-9 of Urbana Ord.)	\$2.00	\$4.00	\$6.00
Street/Lot overtime (Section 14-14 and Schedule X)	\$2.00	\$4.00	\$6.00
Prohibited 3 AM to 10 AM (Section 14-13)	\$5.00	\$7.00	\$10.00
Prohibited (Section 14-3 and Schedule IX)	\$10.00	\$15.00	\$20.00
Handicapped	\$50.00	\$50.00	\$50.00

iii. Any person who violates any provision of Articles XII, XIII and XIV or Sections 17-4 through 17-10 of this Ordinance, excluding those sections for which specific penalties are provided, may, within seventy-two (72) hours of the time when the notice required in Section 16-1(a) of this Ordinance was attached to the vehicle settle as the penalty therefor and in full satisfaction therefor the sum of Ten Dollars (\$10.00) or, after seventy-two (72) hours, in like manner the sum of Fifteen Dollars (\$15.00).

iv. Violation of any provision of the Urbana Local Traffic Ordinance will subject the violator to a maximum fine of \$200.00 per violation, which may be imposed if the City of Urbana elects to initiate collection proceedings through the judicial process.

c) An informal notice of dispute may be filed with the City of Urbana within seventy-two (72) hours of the occurrence of the violation and shall immediately postpone payment. Receipt of

this notice of dispute within seventy-two (72) hours means that only the lowest fine for each violation as indicated in Column A of Section 16-1(b)(ii) or in Section 16-1(b)(iii) of this ordinance shall be imposed if payment is made within five days of the date of a notice to the defendant that the notice of dispute is not justified. If full payment is not received within five days, the fines shall increase as indicated in this ordinance as though the notice of dispute was never received. Notices of dispute must be written and filed with the Municipal Collector's Office at 400 South Vine Street in Urbana, Illinois.

d) Informal notices of dispute will be evaluated according to established city policy and the decision will be made whether or not to dismiss this ticket on the basis of such city policy.

i. A determination that a ticket should be voided is a final determination of nonliability.

ii. If the determination is to not void the ticket, the violator shall be notified by mail sent to his or her last known address. Included in this notice shall be a statement of the availability of a hearing at which the violation may be contested on its merits and a statement disclosing the date, time and place at which such hearing will be conducted. Also included in the notice shall be information pertaining to the petition procedure, as explained in Section 16-2 of this ordinance. This notice shall be sent by first class mail and shall be deemed served as of the date of deposit in the U.S. mail.

e) If neither full payment nor a notice of dispute is received within 72 hours following the violation and no other action has been taken by the violator, the fine imposed upon the violator shall increase to the rate provided in Column B of the schedule of rates in Section 16-1(b)(ii), or as otherwise provided in Section 16-1(b).

f) If neither full payment nor a notice of dispute is received within ten (10) days after the occurrence of the violation, a second notice of the violation shall be sent to the last known address of the violator. This notice shall include a statement of the availability of a hearing at which the violation may be contested on its merits and a statement disclosing the date, time, and place at which such hearing shall be conducted. The notice shall state that failure to pay the fine or appear at the hearing will result in a final determination of liability and may result in a debt owed to the city. The notice shall also inform of the availability of a petition procedure, as provided in Section 16-2. This notice shall be sent by first class mail and shall be deemed served as of the date of deposit in the U.S. mail.

g) A hearing at which the merits of a parking violation may be contested shall be conducted by the hearing administrator. The hearing administrator shall be appointed by the parking administrator. The hearing administrator shall have the

power to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Such hearings shall be recorded and decisions rendered according to established city policy. Persons appearing at a hearing pursuant to this section may be represented by counsel at their expense. Such hearings shall be scheduled biweekly at a time and date established by the hearing administrator.

i. If the defendant appears at the hearing and a determination is made by the hearing administrator that the ticket should be voided, no payment is necessary and the determination shall constitute a final determination of nonliability.

ii. If the defendant appears at the hearing and a determination is made by the hearing administrator that the ticket should not be voided, payment is immediately due. If payment is made, payment shall be a final determination of liability. If payment is not made within ten (10) days of the date of the hearing administrator's determination, then the fine shall increase per Section 16-1(b). If payment is not made, the violator may still challenge the violation through the petition procedure pursuant to Section 16-2.

iii. If the defendant does not appear at the hearing assigned in the mailed second notice, the hearing administrator may determine the defendant is guilty of the violation. Payment is immediately due in accordance with Section 16-1(b). Such determination shall be final in the absence of a petition filed pursuant to Section 16-2.

h) For purposes of this ordinance, the following definitions shall apply:

i. Established City Policy. Urbana Code of Ordinance, Illinois statutes, and past practices of the city all comprise established city policies. A written policy manual outlining these established city policies is available in the Municipal Collector's Office at 400 S. Vine Street in Urbana, Illinois.

ii. Final determination. A final determination of parking violation liability occurs if the defendant fails to pay the fine after a hearing officer's determination of parking violation liability and the violator has failed to exhaust any administrative review procedures provided by ordinance. Payment of a ticket shall result in a final determination of liability.

iii. Hearing administrator. The hearing administrator shall be appointed by the parking administrator. He/she shall be responsible for setting a date on which violators may have a hearing to contest a parking ticket they have received. The hearing administrator shall conduct said hearings and make a ruling as to whether the contested ticket shall be voided.

iv. Just cause. Any valid legal reason which justifies nonliability of the violator for a particular violation or an extension of the time limits imposed in this ordinance.

v. Parking administrator. A parking administrator shall be appointed by the City Comptroller. The parking administrator shall appoint a staff which shall be responsible for any duties which the parking administrator, through his or her enumerated powers, delegates to it. The duties of the parking administrator shall include (a) adopting, distributing and processing parking violation notices, (b) collecting money paid as fines and penalties for violations, (c) operating the administrative adjudication system, (d) ruling on petitions, (e) making the certified report to the Secretary of State and (f) appointing a hearing administrator.

vi. Violator. Any person convicted or accused of violating any of the provisions of Articles XII, XIII, XIV or Sections 17-4 through 17-10 of the Urbana Local Traffic Ordinance, sometimes also called "defendant".

Section 16-2. Petition procedure for parking violations.

The petition procedure is available to any person owing an unpaid parking fine who has been determined to be liable for the fine by the hearing administrator (1) while present at the hearing or (2) because of failure to appear at the scheduled hearing.

a) A petition must be filed with the Municipal Collector's Office at 400 South Vine Street in Urbana, Illinois within ten (10) days following the date of the scheduled hearing. This petition form shall be in substantially the form set forth below. The petition form will be available in the Municipal Collector's Office. The Municipal Collector's Office shall forward completed petitions to the parking administrator.

PETITION

NAME: _____
ADDRESS: _____
VEHICLE MAKE/LICENSE #/STATE: _____
TICKET #: _____
VIOLATION DATE: _____
ORDINANCE VIOLATION: _____
REGISTERED OWNER OF VEHICLE: _____
DATE OF HEARING: _____
DATE OF PETITION: _____

SIGNATURE

PLEASE INDICATE IF ONE OR MORE OF THE FOLLOWING ARE THE BASIS OF YOUR PETITION:

1. Not the owner or lessee of the cited vehicle.
2. Fine has already been paid for the parking violation in question.
3. Excusable failure to appear at the scheduled hearing or request a new hearing date.
(Give excuse in space provided below.)

_____ Approved
_____ Not Approved

Parking Administrator

b) Grounds for the petition are limited to the following:

i. the charged violator is not the owner or lessee of the cited vehicle, or

ii. the fine has already been paid for the vehicle in question, or

iii. the violator has a reasonable excuse for failing to appear at the scheduled hearing or request a new date.

Additionally, the parking administrator may decide to grant a petition for another reasonable excuse which is compatible with established city policy. The parking administrator shall be guided by city policy and his or her discretion.

c) To support any claim raised in the petition, the petitioner must provide some sort of evidence. This evidence shall be evaluated by the parking administrator.

d) The City Comptroller shall appoint a parking administrator to rule on the petitions filed to contest the merits of the parking ticket hearing.

e) Within ten (10) days of receipt of the petition, the parking administrator shall rule as to whether just cause exists to set aside the prior ruling.

i. If just cause is found to exist, the parking administrator shall decide whether the ticket should be dismissed or a new hearing should be scheduled.

ii. If there is a finding of no just cause, the ticket shall be upheld. The parking administrator's ruling shall operate as a final determination of liability on the merits.

f) If no petition is received by the Municipal Collector's Office within ten (10) days of the hearing administrator's ruling, such ruling shall be deemed a final determination of liability on the merits.

g) If the violator has not availed himself of any opportunity to contest the violation prior to the filing of a petition, the fine imposed for the violation may increase to the maximum fine imposed in Column C of the schedule of rates in Section 16-1(b)(ii) of this ordinance.

h) A notice of this administrative decision shall be served upon the violator following the decision. Such service shall be deemed complete as of the date of deposit in the U.S. mail, first-class postage prepaid.

Section 16-3. Judicial review of parking violator's actions.

a) Each final decision rendered through this administrative process may be subject to judicial review pursuant to the Illinois Administrative Review Law, Ill.Rev.Stat. ch. 110, par. 3-101 et seq.

b) Every action to review a final administrative decision shall be commenced by the filing of a complaint and the issuance of summons within thirty-five (35) days from the date that a copy of the decision sought to be reviewed was served upon the party affected thereby.

c) Failure to file a complaint within the requisite time period shall result in any fine still outstanding becoming a debt due and owing the city and may be collected by a judgment procedure initiated by the City of Urbana.

d) A notice of final determination of liability shall be mailed to the violator. The notice shall contain warnings that failure to pay any fine within ten (10) days may result in the City of Urbana filing a petition in court in order to receive a judgment against the violator or may result in suspension of a driver's license for failure to pay ten (10) or more violations.

Section 16-4. Judicial procedure initiated by the City of Urbana.

a) At any time after the 35-day filing period during which judicial review of the administrative decision may be sought, the City of Urbana may commence a proceeding in the Circuit Court of Champaign County for purposes of obtaining a judgment on the unpaid fines.

b) If the violator has taken no steps to challenge this fine through the administrative process and the city elects to obtain a judgment on this fine in the Circuit Court, a maximum fine of two hundred dollars (\$200.00) for each violation may be imposed.

c) Service of summons upon the violator and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure allowing for service on individuals by the sheriff, or by certified mail, return receipt requested.

Section 16-5. Driver's license suspension.

Once final determination has been rendered in ten (10) separate violations of Articles XII, XIII, XIV or Sections 17-4 through 17-10 of the Urbana Local Traffic Ordinance against the owner of a registered vehicle, the city may send a notice to the Secretary of State requesting that the violator's driver's license be suspended.

a) Prior to issuance of the report to the Secretary of State, a notice of impending driver's license suspension shall be sent to the violator. The notice shall specify:

i. failure to pay the fine stated will result in the city notifying the Secretary of State that the violator's driver's license is eligible for suspension.

ii. to avoid issuance of the report, payment must be received by the Municipal Collector's Office, 400 S. Vine Street, Urbana, Illinois, within forty-five (45) days of the date of the notice.

iii. the violator may also challenge the accuracy of the report to be mailed to the Secretary of State. This challenge must be in written form and must supply adequate proof of the basis for the challenge. The written form and the proof must be received by the Municipal Collector's Office at 400 South Vine Street in Urbana before the expiration of the 45-day period following the notice date. Grounds for challenging the report are limited to (a) the person not having been the owner or lessee of the vehicle or vehicles receiving ten (10) or more parking violation notices on the date or dates such notices were issued and (b) the person having already paid the fine for the ten (10) or more violations indicated on the certified report. The challenge will be reviewed within three (3) working days of receipt of the challenge by the parking administrator. If such challenge is rejected, the violator will be immediately notified and the fine must still be paid to the Municipal Collector's Office within the 45-day period following the notice date.

b) If the person responsible for ten (10) separate violations has not contacted the City of Urbana regarding payment of these tickets before the notice of driver's license suspension was mailed, the violator may be responsible for the maximum fine imposed in Column C of the schedule of rates in Section 16-1(b) of this ordinance, or as is otherwise provided in Section 16-1(b)(iii).

c) If full payment is not received upon the expiration of the 45-day period, the city shall send to the Secretary of State a report asking that the violator's driver's license be suspended. The report shall state:

i. the name, last known address and driver's license number of the person who failed to pay the fine and the

registration number of any vehicle known to be registered to such person in Illinois,

ii. the name of the city making such report (Urbana), and

iii. a statement that the municipality sent a notice of impending driver's license suspension as set forth in Section 16-5(a) to the person named in the report at the address sent to the Secretary of State, the date at which such notice was sent and the address to which such notice was sent.

Section 16-6. Presumption in reference to illegal parking.

Whenever any vehicle shall have been parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty therefor.

Section 16-7. Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Ordinance shall be paid into the city treasury and deposited in a general fund.

a) When authorized by the laws of this state or ordinances, members of the police department may remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city.

b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons

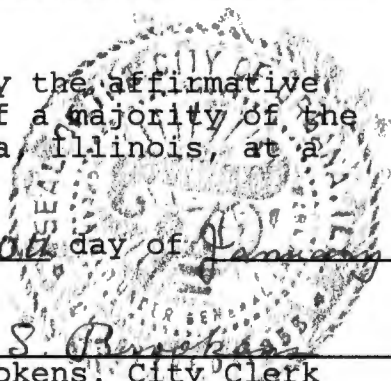
for such removal, and name of the garage or place where the vehicle is stored.

Section 2. That Ordinance No. 8081-124, entitled "An Ordinance Amending the Urbana Local Traffic Ordinance", is hereby amended by changing the reference to Section 14-4 to Section 14-14.

Section 3. This Ordinance shall become effective on March 1, 1989.

This ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said council.

PASSED by the City Council this 30th day of January, 1989.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

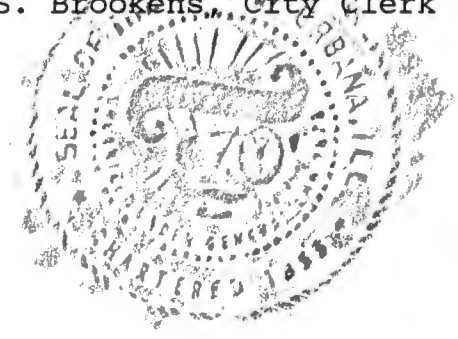
APPROVED by the Mayor this 1st day of February, 1989.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above ordinance to be duly published in the News-Gazette on the 10th day of February, 1989, and a Certificate of Publication is attached hereto. 0

Ruth S. Brookens
Ruth S. Brookens, City Clerk



CITY OF URBANA, ILL.
RECEIVED

FEB 13 1989

CITY CLERK'S OFFICE

CERTIFICATE OF PUBLICATION IN The News-Gazette

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removal and the reason therefor,
and of the place to which such
vehicle has been removed. In the
event any such vehicle is stored in
a public garage, a copy of such
notice shall be given to the propri-
etor of such garage.
c) Whenever an officer re-
moves a vehicle from a street un-
der this section and does not
know and is not able to ascertain
the name of the owner, or for any
other reason is unable to give the
notice to the owner as hereinbe-
fore provided, and in the event
the vehicle is not returned to the
owner within a period of three (3)
days, then and in that event, the
officer shall immediately send or
cause to be sent a written report
of such removal by mail to the
state department whose duty it is
to register motor vehicles, and
shall file a copy of such notice with
the proprietor of any public garage
in which the vehicle may be
stored. Such notice shall include a
complete description of the vehi-
cle, the date, time and place from
which removed, and name of the ge-
rage or place where the vehicle is
stored.
Section 2. That Ordinance No.
8081-124, entitled "An Ordinance
Amending the Urbana Local Traffic
Ordinance", is hereby amended by
changing the reference to Section
14-4 to Section 14-14.
Section 3. This Ordinance shall
become effective on March 1,
1989.
This Ordinance is hereby
passed by the affirmative vote,
the "ayes" and "nays" being
called, of a majority of the mem-
bers of the Council of the City of
Urbana, Illinois, at a regular meet-
ing of said council.
PASSED by the City Council
on this 30th day of January, 1989.
Ruth S. Brookens, City Clerk
APPROVED by the Mayor this
1st day of February, 1989.
Jeffrey T. Markland, Mayor

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The undersigned, **THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED**, by
M S Ovca, its secretary, does hereby certify that
said Corporation is the publisher of The News-Gazette and that the same is a daily
secular newspaper of general circulation published in Champaign, Champaign
County, Illinois, and which said newspaper had been regularly published for more than
six months prior to the first publication of the annexed notice; said publisher further
certifies that the annexed notice was published once each week for _____ consecutive
weeks in said newspaper, namely on the following dates: _____
February 10, A. D. 19 89
_____, A. D. 19 _____
_____, A. D. 19 _____
_____, A. D. 19 _____
_____, A. D. 19 _____

Said publisher further certifies that the date of the first paper containing the said
notice was on the first date hereinabove set forth, and that the date of the last paper
containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

by [Signature] Secretary
PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 322.56

Pd 2/24/89
PO #35880