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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1038**

**AN ORDINANCE ADDING CHAPTER 10.64, AUTOMATED  
TRAFFIC LAW ENFORCEMENT SYSTEM, TO THE MELROSE  
PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE  
PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 12<sup>TH</sup> DAY OF MARCH 2007**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
RUBEN LOMELI  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 13<sup>TH</sup> day of MARCH 2007**

**ORDINANCE NO. 1038**

**AN ORDINANCE ADDING CHAPTER 10.64, AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM, TO THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President, the Honorable Ronald M. Serpico (the “President”), the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, and the Board of Trustees of the Village, namely, the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas “TK” Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano (the “Village Board”), all having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village (collectively, the President and Village Board constitute the “Corporate Authorities”); and

**WHEREAS**, pursuant to Illinois Public Act 94-795, which amends the Illinois Vehicle Code (625 ILCS 5/1-100, *et seq.*), the Village is vested with the authority to implement an automated traffic enforcement system to monitor motorist compliance with traffic control signals at intersections and devise a system of administrative adjudication to enforce the same; and

**WHEREAS**, pursuant to 625 ILCS 5/11-208.6, the Village may enact an ordinance providing for an automated traffic law enforcement system to enforce state and local traffic control signal laws and regulations through the use of electronic monitoring devices and by imposing liability on registered vehicle owners who violate such state laws and local provisions; and

**WHEREAS**, pursuant to 625 ILCS 5/11-208.3 and 65 ILCS 5/1-2.2-1, *et seq.*, the Village may enact a system of administrative adjudication to provide a forum to persons charged with traffic law violations; and

**WHEREAS**, the Corporate Authorities desire to provide a fair and efficient method of enforcing certain Village regulations through the administrative adjudication of traffic law violations; and

**WHEREAS**, pursuant to 625 ILCS 5/11-208(a)(2), the Village may regulate traffic through the use of traffic control signals; and

**WHEREAS**, pursuant to 625 ILCS 5/11-208(a)(15), the Village may adopt traffic regulations that are authorized by the Illinois Vehicle Code; and

**WHEREAS**, the Corporate Authorities believe that instituting a system of administrative adjudication to where contested traffic law enforcement matters may be heard, will facilitate prompt and just resolutions of disputes; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to add Chapter 10.64, titled "Automated Traffic Law Enforcement System" to the Village of Melrose Park Municipal Code (the "Village Code") to establish and provide for an automated traffic law enforcement system and enact a system of administrative adjudication regarding the same.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Section 05-09.Reserved.**

**ARTICLE II.  
ADDITION OF CHAPTER 10.64, AUTOMATED  
TRAFFIC LAW ENFORCEMENT SYSTEM**

**Section 10.00 Addition of Chapter 10.64, Automated Traffic Law Enforcement System.**

That Chapter 10.64 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Chapter

shall be titled as follows:

**AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM**

**Section 10.01 Addition of Section 10.64.010, Definitions.**

That Section 10.64.010 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Definitions.**

The following words and phrases, when used in this Chapter, for the purposes of such Chapter, unless herein otherwise provided, have the meanings respectively ascribed to them as set forth in this Section. Where applicable, words used in the present tense include the future tense of the word and words in the singular include the plural form of the word.

“ATLES” stands for Automated Traffic Law Enforcement System” and means a device within the Village with 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 steady or flashing red signal indication in violation of Section 11-306 of the Vehicle Code, 625 ILCS 5/11-306, or similar violation of the Village of Melrose Park Municipal Code.

“Disregard a Traffic Control Device” means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Vehicle Code.

“Turn on Red” means failure to stop and remain stopped, and not proceeding to turn right at an intersection controlled by both a sign indicating “No Turn on Red,” or other similar language, and a red signal as provided for in Section 11-306 of the Vehicle Code.

“Recorded Images” mean images produced by the ATLES, which consist of either two (2) or more photographs; two (2) or more microphotographs; two (2) or more electronic images; or 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.

“Traffic Compliance Administrator” means the person appointed as such pursuant to Article 25 of the Vehicle Code, which person shall have the following additional powers: to adopt, distribute and process automated

traffic law violation notices and other notices required by this Chapter, collect money paid as fines and penalties, operate the ATLES, and make certified reports to the Illinois Secretary of State as required by this Chapter.

“Vehicle Code” means the Illinois Vehicle Code (625 ILCS 5/1-100, *et seq.*).

**Section 10.02 Addition of Section 10.64.020, Violations.**

That Section 10.64.020 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Violations**

It shall be a violation of this Chapter for a vehicle to Disregard a Traffic Control Device or to Turn on Red.

**Section 10.03 Addition of Section 10.64.030, Defenses.**

That Section 10.64.030 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Defenses.**

- A. The following may be considered defenses by the Hearing Officer for a violation of Section 10.64.020:
  - 1. That the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and were not under the control of or in the possession of the owner or lessee at the time of the violation; and
  - 2. That the driver of the vehicle passed through the intersection when the light was red: (i) in order to yield the right-of-way to an emergency vehicle; or (ii) as part of a funeral procession.
- B. 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 or lessee at the time of the violation, the owner or lessee 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.

**Section 10.04 Addition of Section 10.64.040, Notice of Violation.**

That Section 10.64.040 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Notice of Violation.**

- A. When the ATLES records a motor vehicle entering an intersection in violation of Section 10.64.020, the Village shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by United States Postal Service within thirty (30) calendar days after the Illinois Secretary of State notifies the Village of the identity of the registered owner or lessee of the vehicle, and in no event shall the Notice of Violation be issued later than ninety (90) calendar days following the violation. The Village 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 sixty (60) calendar days of the issuance of the Notice of Violation. If the requested information is not provided within sixty (60) calendar days, the leasing company/lessor may be found liable. If any Notice of Violation sent to an address is returned as undeliverable, a second Notice of Violation shall be sent to the last known address of the owner or lessee of the cited vehicle, as recorded in a United States Post Office approved database. The second Notice of Violation shall be made by the United States Postal Service, First-Class, with postage prepaid.
- B. A Notice of Violation associated with an automated traffic law violation shall require a review of the associated Recorded Image by the Traffic Compliance Administrator, who shall inspect the Recorded Image and determine whether the motor vehicle was being operated in violation of Section 10.64.020, or whether one of the defenses enumerated in Section 10.64.030 is visibly applicable upon inspection. Upon determination that the Recorded Image captures a violation and that no defense applies, the Notice of Violation shall be served upon the registered vehicle owner or lessee in the manner provided for in Subsection 10.64.040.A. The

Traffic Compliance Administrator shall retain a copy of all Notices of Violation, Recorded Images and other correspondence mailed to owners and lessees of vehicles. Each Notice of Violation shall constitute evidence of the facts contained in the Notice of Violation, is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions, and shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 10.64.030.

- C. The Notice of Violation shall include the following information:
1. The name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Illinois 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;
  2. The make (only if discernable) and registration number of the motor vehicle involved in the violation;
  3. The violation charged;
  4. The location where the violation occurred;
  5. The date and time of the violation;
  6. A copy of the Recorded Images;
  7. The amount of the civil penalty and the date by which the penalty shall be paid (which date shall be twenty-one (21) calendar 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;
  8. A statement that a failure to pay the civil penalty by the required date may result in an additional late fee being assessed against the owner or lessee of the vehicle;
  9. The amount of the late fee;
  10. A statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner or lessee of the vehicle;



11. A statement that the Recorded Images constitute *prima facie* evidence of a violation;
12. A statement that the owner or lessee of the vehicle may elect to proceed by: (a) paying the fine; or (b) challenging the charge in court, by mail or by administrative hearing; and
13. A statement of how an administrative hearing may be requested.

**Section 10.05 Addition of Section 10.64.050, Hearing.**

That Section 10.64.050 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Hearing.**

- A. The owner or lessee of a vehicle being operated in violation of Section 10.64.020 may request a hearing by the respond-by date on the Notice of Violation (which date shall be not later than twenty-one (21) calendar days from the date of issuance of the Notice of Violation), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the Notice of Violation and is admissible in any proceeding alleging a violation of Section 10.64.020. The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 10.64.030.
- B. The owner's or lessee's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner or lessee. The owner's or lessee's failure to pay the amount by the date specified in said letter will result in a final determination.

**Section 10.06 Addition of Section 10.64.060, Nonresidents.**

That Section 10.64.060 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Nonresidents.**

Where the registered owner or lessee of the cited vehicle is not a resident of the Village, but seeks to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, the individual may submit any and all documentary evidence to the Traffic Compliance Administrator no later than the hearing date, together with a written statement reflecting that he or she is not a resident of the Village. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination.

**Section 10.07 Addition of Section 10.64.070, Final Determination.**

That Section 10.64.070 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Final Determination.**

A final determination of violation liability shall occur following failure to pay the fine, a failure to request a hearing by the respond-by date, or after a Hearing Officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by the Village of Melrose Park Municipal Code. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in the Notice of Determination, the Hearing Officer's determination shall become final upon a failure to pay the amount owed on the date provided for in the "Findings, Decision and Order" letter. An appeal may be made to the Circuit Court of Cook County on any final determination, as provided for by the Illinois Administrative Review Act.

**Section 10.08 Addition of Section 10.64.080, Notice of Determination of Liability.**

That Section 10.64.080 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Notice of Determination of Liability.**

If the registered owner or lessee fails to pay or contest the Notice of

Violation within twenty-one (21) calendar days, a Notice of Determination of Liability will be sent to the owner or lessee indicating that a fine in the amount of one hundred and no/100 U.S. dollars (\$100.00) is due to the Village. The Notice of Determination of Liability will also state that the owner or lessee can petition the Village to set aside the Notice of Determination of Liability before it becomes final. If the owner or lessee does not pay the one hundred and no/100 U.S. dollar (\$100.00) fine, as specified in the Notice of Determination of Liability, or petition the Village to set aside the Notice of Determination of Liability within twenty-one (21) calendar days, a Notice of Final Determination will be sent to the owner or lessee indicating that the owner or lessee has exhausted all options to challenge the Notice of Determination of Liability and the corresponding one hundred and no/100 U.S. dollar (\$100.00) fine, and said fine is now a debt due and owing to the Village and must be paid within fourteen (14) calendar days. The owner or lessee will also be notified that the failure to pay the one hundred and no/100 U.S. dollar (\$100.00) fine within fourteen (14) calendar days will result in a late fee of one hundred and no/100 dollars (\$100.00) being added to the original fine due and owing the Village.

**Section 10.09 Addition of Section 10.64.090, Notice of Final Determination.**

That Section 10.64.090 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Notice of Final Determination.**

A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The Notice of Final Determination shall include the following information:

1. A statement that the unpaid fine is a debt due and owing to the Village; and
2. A warning that a failure to pay any fine due and owing to the Village within fourteen (14) calendar days may result in a petition to the Circuit Court of Cook County to have the unpaid fine rendered as a judgment or may result in the Village seeking the suspension of the person's driver's license for failure to pay fines or penalties for five (5) or more violations under this Chapter.

**Section 10.10 Addition of Section 10.64.100, Petitions to Set Aside Determination.**

That Section 10.64.100 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Petitions to Set Aside Determination.**

- A. A petition to set aside a Notice of determination of Liability must be filed with or mailed to the Traffic Control Administrator within fourteen (14) calendar days of the date of the mailing of the Notice of Determination of Liability. The grounds for the petition are limited to the following:
1. That the person was not the owner or lessee of the cited vehicle on the date that the violation notice was issued;
  2. That the person has already paid the fine for the violation in question; and
  3. An excusable failure to appear at or request a new date for a hearing.
- B. Upon the receipt of a timely petition to set aside the Notice of Determination of Liability, the Hearing Officer shall review the petition to determine if cause has been shown to set aside the Notice of Determination of Liability. If cause has been shown, the Village shall give the petitioner a new hearing date on which the petitioner must appear to present his or her case. The Village shall notify the petitioner of the Hearing Officer's decision to grant a hearing or deny the petition within fourteen (14) calendar days of the Village's receipt of said petition.

**Section 10.11 Addition of Section 10.64.110, Notice of Impending Driver's License Suspension.**

That Section 10.64.110 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Notice of Impending Driver's License Suspension.**

- A. A Notice of Impending Driver's License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on five (5) or more violations of this Chapter. The Notice of Impending Driver's License Suspension shall state the following information:
  - 1. The failure to pay the fine owing within forty-five (45) calendar days from the date of the Notice of Impending Driver's License Suspension will result in the Village notifying the Illinois Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Vehicle Code;
  - 2. A statement that the person may obtain a copy of the original ticket by sending a self-addressed, stamped envelope to the Village along with a request for the copy of said ticket.
- B. The Notice of Impending Driver's License Suspension shall be sent by the United States Postal Service, First-Class mail, postage prepaid, to the address recorded with the Illinois 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.

**Section 10.12 Addition of Section 10.64.120, Driver's License Suspension.**

That Section 10.64.120 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Driver's License Suspension.**

- A. The Traffic Compliance Administrator, by certified report, may request that the Illinois Secretary of State suspend the driving privileges of an owner or lessee of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of five (5) automated traffic violations. The report shall be certified and contain the following:
  - 1. The name; last known address as recorded with the Illinois

Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Post Office approved database if any notice sent under this Chapter is returned as undeliverable; driver's license number of the person who failed to pay the fine or penalty; and the registration number of any vehicle known to be registered to such person in this state;

2. The name of the Village having made the report pursuant to this Subsection; and
  3. A statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Illinois Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Chapter is returned as undeliverable, at the last known address recorded at a United States Post Office approved database; the date on which such Notice of Impending Driver's License Suspension was sent; and the address to which the Notice of Impending Driver's License Suspension was sent.
- B. The Traffic Compliance Administrator shall notify the Illinois Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the Village determines that the original report was made or submitted in error. A certified copy of such notification shall also be given, upon request and at no additional charge, to the person named therein.
- C. Any person receiving notice from the Illinois Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within seven (7) calendar days after having received notice from the Illinois Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was made or submitted in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the five (5) or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Illinois Secretary of State of such error in a subsequent certified report.

**Section 10.13 Addition of Section 10.64.130, Penalty.**

That Section 10.64.130 is hereby added to the Village Code, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, which Section shall read as follows:

**Penalty.**

Any person violating Section 10.64.020 shall be fined one hundred and no/100 U.S. dollars (\$100.00) for each offense. Failure to pay the original fine within fourteen (14) calendar days of the issuance of the Notice of Final Determination shall result in an additional late payment fine of one hundred and no/100 U.S. dollars (\$100.00) being added to the original fine.

**Section 11.00-15.00 Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired,

valid and in full force and effect. It is hereby declared to be the legislative intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 18.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 19.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect ten days following its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,  
Trustee Lomeli, Trustee Mota, Trustee Prignano

NAY VOTES:

ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
TWELFTH DAY OF MARCH, 2007, A.D.

APPROVED:

  
\_\_\_\_\_  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 12, 2007  
Published in Pamphlet Form: March 13, 2007