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AN ORDINANCE AMENDING ORDINANCE NUMBER 4351 PROVIDING FOR AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS AND FOR ADMINISTRATIVE ADJUDICATION OF AUTOMATED TRAFFIC LAW VIOLATIONS IN THE VILLAGE OF ORLAND PARK AND AUTHORIZING THE VILLAGE OF ORLAND PARK TO ENTER INTO AGREEMENTS CONCERNING THE ENFORCEMENT SYSTEMS AND SERVICES RELATED THERETO, AND AMENDING SECTION 14 OF TITLE 9 CHAPTER 16 (AUTOMATED TRAFFIC LAW ENFORCEMENT AND ADMINISTRATIVE ADJUDICATION) OF THE ORLAND PARK VILLAGE CODE

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WHEREAS, pursuant to the Illinois Vehicle Code, on March 17, 2008, the President and Board of Trustees passed Ordinance Number 4351 entitled "AN ORDINANCE PROVIDING FOR AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS AND FOR ADMINISTRATIVE ADJUDICATION OF AUTOMATED TRAFFIC LAW VIOLATIONS IN THE VILLAGE OF ORLAND PARK AND AUTHORIZING THE VILLAGE OF ORLAND PARK TO ENTER INTO AGREEMENTS CONCERNING THE ENFORCEMENT SYSTEMS AND SERVICES RELATED THERETO"; and

WHEREAS, said Ordinance Number 4351 authorized the Village to enter into an Agreement with Redflex Traffic Systems, Inc. for the design and implementation of the Automated Traffic Law Enforcement System ("System(s)") and for services related thereto; and

WHEREAS, the Agreement with Redflex Traffic Systems, Inc. has been terminated, and the Village desires to enter into a similar Agreement with Gatso U.S.A., Inc. for the design and implementation of the System(s) and, in the future, such other providers as approved from time to time by the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

The statements set forth in the preamble to this Ordinance are found to be true and correct and are incorporated into this Ordinance as if set forth in full.

SECTION 2:

SECTION 4 of said Ordinance Number 4351 is hereby amended to read in its entirety as follows:

"SECTION 4

The Village is authorized to enter into agreements, substantially in the forms attached hereto as Group Exhibit A and incorporated herein by reference (collectively, the "Agreements"), with Gatso USA, Inc. ("Gatso") and such other System(s) providers as are from time to time approved by the Village, for the design and implementation of the System(s) and for services related to the System(s). The Agreements shall be subject to final modification by the attorney

for the Village. The Village President is hereby authorized and directed to execute the Agreements, once finalized, thereby binding the Village to their terms. The Village Clerk is authorized and directed to attest to the Village President's signature, as necessary.”

SECTION 3:

SECTION 6 of said Ordinance Number 4351 is hereby amended to read in its entirety as follows:

“SECTION 6

A Violation Notice, substantially in the form attached hereto as Exhibit B and incorporated herein by reference, or in the form utilized by such other System(s) providers as are from time to time approved by the Village, shall be served by mail to the address of the registered owner of a vehicle cited for an Automated Traffic Law Violation as recorded with the Secretary within thirty (30) days after the Secretary notifies the Village of the identity of the owner of the vehicle, but in no event later than ninety (90) days after the violation. Service of a Violation Notice shall be deemed complete as of the date of deposit in the United States mail. The original or a facsimile of a Violation Notice or, in the case of a Violation Notice produced by a computerized device, a printed record generated by the device showing the facts entered on the Violation Notice, shall be retained by the Administrator, and shall be a record kept in the ordinary course of business. A Violation Notice issued, signed and served in accordance with this Ordinance and Section 11-208.3 of the Code, a copy of the Violation Notice or the computer generated record shall be *prima facie* correct and shall be *prima facie* evidence of the correctness of the facts shown on the Violation Notice. The Violation Notice, copy or computer generated record shall be admissible in any subsequent administrative or legal proceedings.”

SECTION 4:

SECTION 10 of said Ordinance Number 4351 is hereby amended to read in its entirety as follows:

“SECTION 10

A Determination Notice, substantially in the form attached hereto as Exhibit C and incorporated herein by reference, or in the form utilized by such other System(s) providers as are from time to time approved by the Village, shall be sent following a final determination of Automated Traffic Law Violation liability and the conclusion of judicial review procedures taken under Section 11-208.3 of the Code. A Determination Notice shall 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 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, under Section 11-1306 of the 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 database. Service of the Determination Notice shall be deemed complete as of the date of deposit in the United States Mail.”

SECTION 5:

SECTION 12 of said Ordinance Number 4351 is hereby amended to read in its entirety as follows:

“SECTION 12

A Suspension Notice, substantially in the form attached hereto as Exhibit D and incorporated herein by reference, or in the form utilized by such other System(s) providers as are from time to time approved by the Village, shall be sent to the person liable for any fine or penalty that remains due and owing on five (5) or more unpaid Automated Traffic Law Violations. The Suspension Notice shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary 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 a Suspension Notice shall be deemed complete as of the date of deposit in the United States mail.”

SECTION 6:

SECTION 15 of said Ordinance Number 4351 is hereby amended to read in its entirety as follows:

“SECTION 15:

Unless the driver of the motor vehicle cited for an Automated Traffic Law Violation received a Uniform Traffic Citation from a police officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of one hundred dollars (\$100) per violation. In the event that such penalty is not paid within thirty (30) days after service of a Violation Notice, the penalty shall increase to two hundred dollars (\$200) plus collection fees.”

SECTION 7:

Title 9, Chapter 16, Section 9-16-14 is amended so as to read in its entirety as follows:

“9-16-14: PENALTY:

Unless the driver of the motor vehicle cited for an Automated Traffic Law Violation received a Uniform Traffic Citation from a police officer at the time of the violation, the owner of the motor vehicle is subject to a penalty of one hundred dollars (\$100) per violation. In the event that such penalty is not paid within thirty (30) days after service of a Violation Notice, the penalty shall increase to two hundred dollars (\$200.00).”

SECTION 8:

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provisions of this Ordinance. All ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 9:

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, and the Village Clerk is authorized and directed to publish this Ordinance in pamphlet form.