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MEMORANDUM

To: Chief Ray Byrne
From: George Wagner 
Date: March 23, 2009

Re: Amendments to Chapter 73 of the Village Code, Administrative Adjudication of Vehicular Regulation Violations, and Chapter 74 of the Village Code, Automated Traffic Law Enforcement System.

As you know, we have been working with RedSpeed Illinois to revise their notices for the Automated Traffic Law Enforcement System, i.e., the red light enforcement program, to insure that those notices comply with State law, 625 ILCS 5/11-208.3 and 5/11-208.6, and Chapter 74 of the Village Code, which authorizes the Automated Traffic Law Enforcement System. In so doing, it has also been necessary to review Chapter 73, which applies to the Administrative Adjudication of vehicular regulations, as the Automated Traffic Law Enforcement System is subject to the hearing process under Chapter 73. As a result, we have determined that Chapters 73 and 74 needed some minor revisions.

Enclosed are the Ordinances amending Chapters 73 and 74. The proposed amendments to Chapter 73 include some minor clean up, as well as modifications to conform to your present procedures. The proposed amendments to Chapter 74 include clarification of several provisions for simplification and conformity with RedSpeed's notices.

The following is a summary of the proposed amendments:

- I. Ordinance for Administrative Adjudication of Vehicular Regulation Violations:
 - 73.03(D)(6): violation notice requirements – 1) deleted request of a hearing since a hearing is provided automatically; 2) replaced with payment instructions.
 - 73.03(D)(9): violation notice requirements - deletes requirement for violation notice to be checked and returned; requires notarized statement and documentation to be filed within 14 days, as you do now.
 - 73.05(A)(5)(h): deletes time constraints for appeal, as appeal notice included in Notice of Determination of Liability and Findings, Decision and Order.
 - 73.05(B): limits petition to set aside to finding of liability upon failure to appear at second hearing.
 - 73.06: clarifies when a petition to set aside can be filed - excludes determinations of liability after hearing or petition to set aside denial