

1/17/2017

14-O-17

AN ORDINANCE

Amending Evanston City Code Title 11, "Administrative Adjudication"

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: City Code Title 11, Chapter 1 "Administrative Adjudication System," of the Evanston City Code of 2012, as amended (the "City Code"), is amended to read as follows:

TITLE 11 – ADMINISTRATIVE ADJUDICATION

CHAPTER 1 – ADMINISTRATIVE ADJUDICATION SYSTEM

11-1-1. – CREATION

- (A) Pursuant to 65 ILCS 5/1-2.1-2 et seq., which authorizes municipalities to implement a system of administrative adjudication, there is a system of administrative adjudication of charges of code violations for the City of Evanston. The system will conduct adjudicatory hearings of cases instituted by City departments upon receipt of written notice from the head of a City department directed to the Chief Financial Officer or his/her designee, part of the City Manager's Office. The Chief Financial Officer or his/her designee may decline jurisdiction over specific classes of cases whenever resources are not available to handle the additional caseload.
- (B) The City adopts 65 ILCS 5/1-2.1.1 et seq., as it may be amended from time to time. In the event of a conflict between said statutes and this Chapter, this Chapter will prevail.
- (C) The adoption of this Title does not preclude the City from using other lawful methods to enforce the provisions of this code.

11-1-2. – PURPOSE

The purpose of the system of administrative adjudication for charges of code violations is to provide a procedure by which charges of code violations can be administratively adjudicated equitably and efficiently by independent Hearing Officers.

11-1-3. – JURISDICTION

Except as provided by City Code Subsection 11-1-1(A), those matters subject to administrative adjudication system provided for by this Title are charges of violation of any ordinance, or alternatively, "City Code" or "Code" of the City of Evanston, so long as the relief sought is not a penalty of incarceration or a fine in excess fifty thousand dollars (\$50,000.00) per violation, excluding allowable costs and in those cases brought to enforce the collection of any tax imposed and collected by the City.

11-1-4. – DIVISION OF ADMINISTRATIVE HEARINGS

The Division of Administrative Adjudication will conduct and manage administrative adjudication proceedings in the manner provided for in this Title. The Division will consist of the City's Chief Financial Officer or his/her designee(s).

11-1-5. – DIVISION MANAGER; POWERS AND DUTIES

The Division of Administrative Adjudication will oversee the function of the Division of Administrative Adjudication. Under the supervision of the City Manager, the Chief Financial Officer or his/her designee will:

- (A) Operate and manage the administrative adjudication system;
- (B) Promulgate rules and regulations for the conduct of administrative adjudication proceedings;
- (C) Collect monies paid as fines, penalties, and/or costs assessed by Hearing Officers;
- (D) Certify copies of final determinations of Hearing Officers;
- (E) Keep accurate records of the proceedings, including, but not limited to, appearances, nonappearances, pleas entered, and fines and penalties assessed and paid;
- (F) Perform parking oversight functions as delegated in Chapter 2 of this Title;
- (G) Establish any other necessary rules and regulations and perform any other duties and functions as may be required or appropriate to establish and administer the City's administrative adjudication system.

11-1-6. – RULES AND REGULATIONS

The rules and regulations promulgated for the conduct of administrative adjudication hearings will be published and kept on file in the Office of the City Clerk where they will be available to the public for inspection and copying.

11-1-7. – HEARING OFFICER

The City Manager or his/her designee, will appoint Hearing Officers, who will have the power to adjudicate violations of the City Code and impose penalties according to the Title 11.

11-1-8. – HEARING OFFICER QUALIFICATIONS

Any person appointed as a Hearing Officer will:

- (A) Be an attorney licensed to practice law in the state for not less than three (3) years.
- (B) Prior to conducting any administrative adjudication hearing, successfully complete a formal training program approved by the Chief Financial Officer or his/her designee, which includes the following:
 1. Instruction on ethical considerations and rules of procedure for the administrative proceedings to be conducted;
 2. Orientation to each subject area of the code under which violations are prosecuted;
 3. Observation of administrative hearings; and
 4. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

11-1-9. – SCOPE OF AUTHORITY OF HEARING OFFICERS

Hearing Officers will preside over adjudicatory hearings. The authority of a Hearing Officer will encompass all acts necessary to conduct fair and impartial adjudicatory hearings, including, but not limited to:

- (A) Hear testimony and accept evidence that is relevant to the existence of the code violation.
- (B) Administer oaths and affirmations to witnesses.
- (C) Subject to City Code Section 11-1-10, at the request of any party or on the Hearing Officer's own motion, issue subpoenas for the attendance of relevant witnesses and/or the production of relevant books, records, or other information.
- (D) Preserve the record of the hearing, including all exhibits and evidence admitted into the record at the hearing.
- (E) Issue a determination based upon a review of the notice of violation, citation, ticket, or other charging document (any of which will constitute a "charging document" under this Title) and on the evidence admitted, which determination will be final for purpose of judicial review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq. The determination will be in writing, will be signed by the Hearing Officer, and will be designated as finding(s), decision and order.
- (F) Upon finding a respondent liable for violating one or more code provisions, impose penalties as provided by the governing penalty provision; except, however, that in no event will a Hearing Officer have authority to: 1) impose a penalty of incarceration; or 2) impose a fine in excess of fifty thousand dollars (\$50,000.00). When applicable, each day a code provision is found to have been violated by the respondent, will constitute a separate offense, and each separate offense subjects the respondent to the penalty provided by the governing penalty provision. The Hearing Officer may also:
 1. Tax administrative and/or enforcement costs and when applicable, tax incurred by the City for effecting compliance with code provision(s) for which a respondent has been found liable.
 2. Order, in addition to fines or costs, the respondent to comply with code provision(s) found to have been violated, and, if appropriate, order the

respondent to post a compliance bond as provided by City Code Subsection 11-1-16(B)(1).

3. Order, in addition to fines imposed or costs, the respondent to perform a term of community service.
- (G) Follow the policies, procedures and legislation set forth in this Code, except where discretion is specifically vested in the Hearing Officer. A Hearing Officer is authorized to waive the fine and/or costs that otherwise would be imposed upon finding a respondent liable for one (1) or more code violations when the Hearing Officer specifically finds as a matter of fact that the violation(s) occurred under such circumstances as to a reasonable person would constitute an excuse for the violation(s).
- (H) Rule upon motions, objections and the admissibility of evidence.
- (I) Ask questions of the parties and witnesses to ensure the clarity and completeness of the testimony and the record.
- (J) Regulate the course of the hearing in accordance with this Chapter, the rules adopted by the Chief Financial Officer or his/her designee for the conduct of administrative hearings, and other applicable law.

11-1-10. SUBPOENAS

Either on his/her own motion or upon the request of a party pursuant to City Code Section 11-1-12(E), the assigned Hearing Officer may issue subpoenas in connection with the adjudication of a charged code violation.

- (A) *Issuance.* Subpoenas will only be enforceable against persons for documents that have a relevant evidentiary connection with the: 1) subject matter; and 2) facts which are relevant to the case and related to a contested issue in the case. A party's request to the Hearing Officer for a subpoena must be filed timely. Service of subpoenas will be made in the same manner as summons in a civil action.
- (B) *Content.* A subpoena issued under this Chapter will identify:
1. The person to whom it is directed;
 2. The documents or other items sought by the subpoena, if any; and
 3. The date, time, and place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.
- (C) *Appearance.* The date identified for the appearance of the witnesses or the production of the documents or other items will not be less than seven (7) days after service of the subpoena.
- (D) *Contesting the Subpoena.* Within three (3) business days of being served with a subpoena issued in accordance with this Chapter, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena, by filing a written appeal detailing the nature of any objection(s). The appeal will be scheduled for the next scheduled hearing date in the case, with the initiator of the subpoena bearing the responsibility for notifying all parties.

11-1-11. – ADMINISTRATIVE HEARINGS

- (A) All administrative hearings conducted by the Division of Administrative Adjudication are open to the public and will be presided over by a duly appointed impartial Hearing Officer who is charged with providing the parties a full and fair opportunity to be heard.
- (B) All administrative hearings will be conducted on the date set for hearing. For good cause shown, a continuance may be granted at the discretion of the Hearing Officer. The purpose of administrative hearings is to provide a prompt resolution of alleged code violations, and accordingly, the request for, and the grant of, continuances will be curtailed to the extent fairness permits. Lack of preparation is not grounds for a continuance. Continuances ordinarily will not be granted for more than twenty-eight (28) days.
- (C) The Hearing Officer will permit persons to contest the merits of an alleged parking violation subject to the administrative adjudication procedures of this Title without attending a hearing.
- (D) A violation may be established upon proof by a preponderance of the evidence. The original or a legible copy of the charging document, issued in accordance with the applicable provisions of this Code, will be prima facie evidence of the correctness of the facts specified therein.
- (E) The Chief Financial Officer or his/her designee will determine the manner in which the record will be preserved. Such preservation may be made by electronic and/or digital recording. Recording by any means by any member of the public is prohibited unless expressly authorized by the Chief Financial Officer or his/her designee. The record of all hearings before a Hearing Officer will include: 1) a record of the testimony presented at the hearing; 2) all documents, exhibits, and other physical evidence presented at the hearing and admitted into evidence; 3) a copy of the notice of violation and notice of hearing; and 4) a copy of the findings, decision, and order of the Hearing Officer's final determination. Any party may request that the proceedings be taken and transcribed by a certified court reporter. If the City makes a tape recording of the proceedings, a respondent may obtain the transcript at the respondent's cost.
- (F) At the conclusion of a hearing, the Hearing Officer will issue his/her final determination. If the Hearing Officer issues a final determination of liability, he/she may impose fines, assess costs, and make orders, all as provided by City Code Subsection 11-1-9(F) and as are consistent with the specific code provision(s) found to have been violated.
- (G) At the conclusion of the hearing, the Hearing Officer will inform the parties orally and in writing of his/her determination, which determination constitutes a final determination for purpose of judicial review and is subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq. Based on the charging document and the evidence admitted, the Hearing Officer may issue the following determination: Liable, not liable, or liable upon a plea of no contest. The Hearing Officer also may dismiss the case with or without prejudice or grant a properly made motion by the City voluntarily dismissing the case.

11-1-12. – PROCEDURE

All matters to be adjudicated by the Division of Administrative Adjudication will be commenced against the party alleged to have violated one (1) or more code provision(s) by issuing and serving upon that party a charging document and will be conducted in accordance with the following procedures:

(A) The charging document will be issued by a City officer or employee authorized to exercise code enforcement authority and served as provided for in Subsection (D) of this Section.

(B) 1. Any charging document issued pursuant to this Section will contain the following information:

- a. The name; City department; position; and identification number, if applicable, of the person issuing the charging document;
- b. The name and address of the person or entity being charged with one (1) or more code violations ("respondent");
- c. The name and address of the person to whom the charging document is given if that person is not the respondent;
- d. The Section(s) of the code alleged to have been violated;
- e. The date, time and place of the alleged violation(s);
- f. A legally sufficient description of the activity or conduct alleged to constitute a violation of each code Section set forth in the charging document or a legally sufficient description of the facts giving rise to the allegations set forth in the charging document;
- g. The complainant's name if the complainant is not the issuing City officer or employee.

The City officer or employee will certify the correctness of the information required by this Subsection (B)1, by signing his/her name to the charging document to be issued. Compliance with this Subsection (B)(1), establishes a prima facie case.

2. A charging document issued pursuant to Subsection (B)(1) of this Section also will set forth: a) the date, time and place of the adjudicatory hearing to be held with respect to the violation(s) alleged in the charging document; and b) the legal authority and jurisdiction under which the hearing will be held.

(C) 1. The respondent named in a charging document, will be given notice of the date of the adjudicatory hearing which may appear on the face of a charging document. Notice of the hearing date may be given in any of the following ways: a) by first class mail or by overnight or two-day commercial delivery service at the respondent's last known address or if the respondent is a business entity, at any address identified for its registered agent or at its principle place of business; or b) by personal service; c) by posting upon the property that is the site of the alleged violation(s) when the respondent is the owner or manager of the property; or d) by any other means permitted by law for service of civil summons. Hearings will be scheduled with reasonable promptness, provided that for hearings scheduled in all nonemergency situations, unless otherwise specified by other legislation or rule, the respondent will have at least fifteen (15) days after service of notice to prepare for the hearing. For purposes of this Subsection (C), "nonemergency situation" means any situation that does not reasonably

constitute a threat to the public health, safety or welfare. If service is provided by first class mail or by overnight or two-day commercial delivery service, the fifteen-day period will begin to run on the day that the notice is deposited in the mail or given to the commercial delivery service, as applicable.

2. Notwithstanding anything to the contrary in this Section, service of notices of violation and notices of hearing for violations of Title 10 of this Code, will be as prescribed in Chapter 2 of this Title.

- (D) The original or a legible copy of the notice of violation, citation, or other charging document will be filed with the Division of Administrative Adjudication as soon as practicable at the place and in the manner as the Chief Financial Officer or his/her designee directs. Upon receiving the original or legible copy of charging document, the Division of Administrative Adjudication will select a hearing date and give respondent notice of the date, time and place of the hearing in a manner set forth the date, time and location of the hearing in the manner set forth in Subsection (C)(1) of this Section unless the charging document sets forth the date, time and location of the hearing and was served personally on the respondent.
- (E) Parties to an adjudicatory hearing, or their representative pursuant to Section 13 of this Chapter, submit evidence, present witnesses and cross-examine opposing witnesses. They may request the Hearing Officer to issue subpoenas as provided for in City Code Section 11-1-10.

11-1-13. – REPRESENTATION AND EVIDENCE AT HEARINGS

- (A) City Representation: The City may be represented by a City employee or an attorney designated by the City Manager but not by an employee or other agent of the Division of Administrative Adjudication, except as allowed by this Subsection C.
- (B) Respondent Representation: The respondent may be represented pro se, or by his/her self, or by an attorney or agent on behalf of the respondent. An attorney or agent appearing at an adjudicatory hearing on behalf of a respondent will present the Hearing Officer with a signed appearance form stating, on oath or affirmation, that he/she has been authorized by the respondent to represent the respondent at the hearing.
- (C) Evidence: The formal and technical rules of evidence will not apply in the conduct of a hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by a reasonably prudent person in the conduct of their affairs. Documentary evidence, prepared by another Department of the City and submitted in advance to the Division of Administrative Adjudication, may be made part of the record at the hearing by the Hearing Officer.

11-1-14. – VIOLATIONS OF ORDERS

Any person, having received notice and an opportunity for a hearing as provided in this Chapter, who knowingly fails to comply with an order issued by a Hearing Officer under this Chapter, including the issuance of a subpoena, will, if the order is not stayed

by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt will be enforceable only by the Cook County Judicial System and will be punishable by applicable law. Each day that the violation continues will be considered a separate and distinct offense. In a prosecution under this Section, it will not be a defense that a person came into compliance with an order, sought judicial review of it, or made efforts to comply with an order, subsequent to its effective date.

11-1-15. – DEFAULT

- (A) If at the time set for hearing, the respondent, or his/her attorney or agent of record, fails to appear, the Hearing Officer may enter a default judgment of liability against the respondent and impose fines and assess costs. A copy of the order of default will be served in any manner for service of a notice of violation permitted by this Chapter and applicable to the violation. A copy of the default judgment, which is a final determination, will apprise the respondent of the procedure for setting aside the default judgment and also will apprise the respondent of the availability of an appeal of the default judgment to the Circuit Court of Cook County. The default judgment be mailed promptly to the respondent as provided by City Code Subsection 11-1-12(C)(1).
- (B) A respondent against whom a default judgment has been entered may file a motion with the Division of Administrative Adjudication to set aside the default judgment and for a new hearing. A motion to set aside a default judgment may be filed at any time if the respondent alleges lack of subject matter or personal jurisdiction; in all other cases, the motion must be filed within twenty-one (21) dates of entry of the default judgment excepting Saturdays, Sundays, and holidays. A motion to set aside a default judgment must set forth the reason(s) the respondent failed to appear on the original hearing date. A Hearing Officer will hear and rule on the motion. If the Hearing Officer grants the motion, a hearing will be held immediately on the alleged code violation(s) set forth in notice of violation, citation, or other charging document unless the respondent requests another hearing date and presents good cause for continuing the hearing. Notwithstanding any of the foregoing to the contrary, a motion to set aside a default judgment entered on a notice of violation of parking, standing, or vehicle compliance will be subject to the provisions of Chapter 2 of this title.
- (C) If any default judgment is set aside pursuant to this Section, the Hearing Officer will have authority to enter an order extinguishing any lien with has been recorded for any debt due and owing the City as a result of the vacated default judgment.

11-1-16. – FINES; COMPLIANCE BOND

- (A) All fines and other monies to be paid to the City in accordance with this Chapter will be remitted to the City Manager's Office and deposited in the appropriate City account as designated by the City Manager.
- (B) 1. In order to ensure that code violations are remedied in a timely manner, a

Hearing Officer upon issuing a determination of liability that includes an order of compliance may order the respondent in the case to obtain a bond to ensure respondent's timely compliance with the code provision(s) found to have been violated. Any bond ordered pursuant to this Subsection (B)(1), will name the City as a beneficiary and will be in the amount specified by the Hearing Officer, provided that the amount of the bond will be reasonably related to the cost of compliance. Any bond issued as a result of a Hearing Officer's order is subject to review and modification by the City Manager or his/her designee as to form and amount. If the respondent fails to remedy in a timely manner the code violation(s) for which a bond has been ordered and issued and the City undertakes remediation or otherwise expends funds related to the code violation(s) for which a bond has been ordered and issued, the Hearing Officer, after giving the parties notice and opportunity to be heard, may issue an order permitting the City to draw against the bond in an appropriate amount. The Hearing Officer will order the bond amount, less the reasonable costs incurred by the City, returned to the respondent upon proof of compliance with the code provision(s) found to have been violated.

2. In the event a respondent ordered to secure a bond as provided by Subsection (B)(1) of this Section seeks judicial review of that portion of the Hearing Officer's order requiring a bond and prevails on that issue, the City will release the bond, and if the City has drawn against the bond, the City will refund to the respondent the total amount drawn within thirty (30) days of receiving a copy of the reviewing court's mandate.

11-1-17. – ENFORCEMENT OF HEARING OFFICER'S ORDER

- (A) Any fine and any administrative, enforcement, or compliance costs imposed by a Hearing Officer's order that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures, unless stayed by a court of competent jurisdiction, will be a debt due and owing the City and may be collected in any manner authorized by applicable law.
- (B) After the expiration of the period for which judicial review may be sought, unless stayed by a court of competent jurisdiction, the Hearing Officer's determination of liability may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- (C) In any case in which a respondent fails to comply with a Hearing Officer's order to correct a code violation, any expenses incurred by the City to enforce the Hearing Officer's order, including, but not limited to, Attorney fees, court costs and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a Hearing Officer, will be a debt due and owing the City. Prior to any expenses being fixed by a Hearing Officer pursuant to this Subsection, the respondent will be provided with notice that directs the respondent to appear at a hearing before a Hearing Officer to determine whether the respondent has failed to comply with a valid order. The notice will set the place and time for the hearing, which will not be less than seven (7) days from the date the notice is served. Notice may be served by first class mail or by an

overnight commercial delivery service and the seven-day period will begin to run on the date that the notice was deposited in the mail or with the overnight commercial service.

- (D) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien will be imposed on the real estate or personal estate, or both, of the respondent in the amount of a debt due and owing the City. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.
- (E) If any fine, penalty, and/or cost is owing and unpaid after a determination of liability under this Chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the Chief Financial Officer or his/her designee will cause a notice of final determination of liability to be sent to the respondent.
- (F) If respondent fails to pay such fine or penalty within fourteen (14) days after the notice of final determination of liability, the City of Evanston may take the following actions in addition to any debt collection authorized by law:
 1. Decline to issue or renew any license, permit, zoning variance, or other permission required and applied for by respondent under Title 5, Chapter 2 of this Code or under any Chapter of Titles 3, 4, 6, 7, 8 and 9 of this Code until respondent pays such fine or penalty; or
 2. Decline to issue or renew residential parking permits, temporary residential parking permits, or any other permit required and applied for by respondent under any Chapter of Title 10 of this Code, until respondent pays such fine or penalty.
- (G)
 1. If the Chief Financial Officer or his/her designee becomes aware that a respondent failed to pay such fine or penalty within the prescribed fourteen-day period, he/she will notify the Departments responsible for issuing the aforementioned licenses and permits that respondent has a delinquent debt, and that no licenses or permits may be issued to the respondent until the debt has been fully satisfied.
 2. At or prior to the time when a respondent applies for a license or permit, or for a renewal of such license or permit, the Department that is responsible for issuing the license or permit will notify the respondent that he/she is ineligible for such license or permit issuance or renewal due to the outstanding debt. The notice will inform the respondent that he/she may request a description of the outstanding debt from the City Manager's Office, and will inform the respondent of his/her right to appeal the denial of the license or permit under this Section. If notice is provided by mail, it will be sufficient to mail the notice to the last address the respondent provided to the issuing Department. The date of notice will be the date the notice was deposited in the mail, if served by first class mail; the date of delivery, if served by personal service; or the date of service if served by any other manner.
 3. Upon the respondent's request, the City Manager's Office will provide the respondent with a written description of his or her outstanding debt. A respondent will have ten (10) business days from the date of notice to appeal

the Department's denial by requesting a hearing by the City Manager, or his/her designee.

4. Requests for hearing will be made in writing to the City Manager's Office. A request for hearing will include: The full name, address and telephone number of the respondent; a written statement signed by the respondent setting forth facts, law or other information relevant to establishing a defense to the Department's denial; a copy of the notice provided to the respondent by the license/permit issuing Department under this Subsection (G); and, any documentary evidence that supports the respondent's appeal, including receipts for the payment of an alleged debt. Upon receipt of a timely and proper request for a hearing, the City Manager or his/her designee will assign a hearing date no later than fifteen (15) business days after the date of request. The hearing will not be continued without the consent of the respondent. The City Manager, or his/her designee, will determine whether or not the respondent is ineligible for a license/permit pursuant to this Section. The hearing will comply with the following provisions:

- a. The City Manager, or his/her designee, will abide by any prior determination that a debt exists and the scope of review will be limited to whether the debt has been satisfied and whether the determination that a debt exists was issued against the respondent. The petitioner will not be entitled to raise any defenses related to his or her liability for the underlying debt.
- b. The formal and technical rules of evidence will not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- c. At the conclusion of the hearing, the City Manager or his/her designee will issue a final order that the respondent is either eligible or ineligible for issuance or renewal of the license/permit. If the respondent is found to be ineligible, the petitioner's license/permit may not be issued or renewed prior to the payment of the outstanding debt. The City Manager, or his/her designee, will issue a final order no more than fifteen (15) business days after the conclusion of the hearing.

(H) Notwithstanding the provisions of Subsection (G) of this Section, the City may issue an initial or renewal license or permit to a respondent if the Director of the issuing Department or other appropriate City department or agency determines that:

1. The respondent has entered into an agreement with a court of competent jurisdiction, the Division of Finance, or other appropriate City department or agency, for the payment of all debts owed and the respondent is in compliance with the agreement; or
2. The respondent is contesting liability for or the amount of the debt in a pending administrative or judicial proceeding; or
3. The respondent has filed a petition in bankruptcy and the debts owed are dischargeable in bankruptcy.

- (I) When the holder of a license or permit is notified in accordance with Subsection (G)(2) of this Section, that such license or permit will not be renewed unless an outstanding judgment is paid, the license or permit will remain in effect during the pendency of the appeal process described in Subsection (G) of this Section. When a license or permit is found to be eligible for renewal through the appeal process, it will remain in effect until the renewal is issued. When a license or permit is found to be ineligible for renewal through the appeal process, it will expire at such time as the license or permit holder has exhausted or failed to exhaust the appeal procedures described in Subsection (G) of this Section.
- (J) Nothing in this Section will prevent the City from enforcing or seeking to enforce any order of a Hearing Officer in any manner provided by law.

11-1-18. – ELECTIONS OF REMEDIES

In no case may the Division of Administrative Adjudication conduct an adjudication hearing for an alleged code violation where the remedy provided for is a punishment of imprisonment. Nothing in this Chapter, however, will preclude the City from petitioning a court of competent jurisdiction to adjudicate an ordinance violation or an ordinance violation which provides the remedy of imprisonment, or from petitioning a court of competent jurisdiction to impose the remedy of imprisonment for failure to comply with an order of a Hearing Officer.

11-1-19. – ADMINISTRATIVE ADJUDICATION PROCEDURES NOT EXCLUSIVE

The adoption by the City of a system of administrative adjudication does not preclude the City from using other methods to enforce municipal ordinances.

11-1-20. – SEVERABILITY

The provisions of this Chapter will be interpreted so as not to be in conflict with the laws of the State or any other limitations imposed by law. In the event, however, that any Section, provision, sentence, or clause of this Chapter is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this Chapter.

SECTION 2: City Code Title 11, Chapter 2 "Parking and Compliance Violations," of the City Code, as amended, is amended to read as follows:

TITLE 11 – ADMINISTRATIVE ADJUDICATION

CHAPTER 2: PARKING AND COMPLIANCE VIOLATIONS

11-2-1. - PURPOSE; SCOPE; ADOPTION OF RULES AND REGULATIONS

- (A) The purpose of this Chapter is to provide for the administrative adjudication of violations of City ordinances regulating the standing and parking of vehicles ("parking"), and the condition/use of vehicle equipment and display of wheel tax licenses ("compliance") within the City's borders, and to establish a fair, equitable, and efficient system for the enforcement of such ordinances. The administrative adjudication system set forth in this Chapter is established pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-208.3 et seq., as amended, which authorizes any municipality to provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations, and vehicle compliance violations, and pursuant to 65 ILCS 5/1-2.1 et seq., which authorizes home rule municipalities to enact a system of administrative adjudication of municipal violations.
- (B) The City Manager will appoint a Manager of the Parking and Revenue Division of the Administrative Services Department ("Parking Division Manager"), who will serve as the "traffic compliance administrator" for the City within the meaning of the Illinois Motor Vehicle Code, and who is authorized to exercise or delegate the authority:
1. Adopt, distribute, and process parking and compliance violation notices and additional notices, collect money paid as fines and penalties for violations of parking ordinances;
 2. Establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system; and
 3. Adopt rules and regulations pertaining to: the hearing process, the selection and appointment of administrative hearing officers, the content of forms and procedures, and the daily operation of the administrative adjudication of parking violations program.
- (C) The Parking Division Manager will delegate to the City Manager or his/her designee or to the Chief Financial Officer or his/her designee, as appropriate, his/her authority to appoint Hearing Officers, to adopt rules and regulations pertaining to administrative hearing proceedings for the adjudication of the violations set forth in City Code Subsection 11-2-2(B) and to conduct those administrative proceedings, including the functions and responsibilities of the Parking Division Manager set forth in Subsections (A), (B)2 and (B)3 of this Section, Subsections 11-2-5(A) through (F), Sections 11-2-6 through 11-2-10, Subsections 11-2-11(B) through (H), and Sections 11-2-12 and 11-2-13 of this Chapter.

11-2-2. - VIOLATION; PENALTY

- (A) Violations of Subsection (B) of this Section 11-2-2, regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of wheel tax licenses within the City's borders, will be civil offenses punishable by the fines and penalties provided for in this Chapter and in Sections 10-3-13, 10-4-18-2, 10-8-10, 10-11-17, and 10-12-3 of this Code, and no criminal penalty, or civil sanction other than that prescribed for the violation in the applicable Section of this Code will be imposed. The foregoing

will not prohibit the City from charging collection costs and/or attorney's fees to persons in default of such fines.

- (B) Only determination of liability for violations of the following Chapters of this Code's Title 10, and no other sections of Title 10, may be pursuant to the administrative adjudication provisions set forth in this Chapter 2 of Title 11: Title 10, Chapters 3 (Section 13), 4, 5, 6, 8 and 12.

**11-2-3. - PRIMA FACIE RESPONSIBILITY FOR VIOLATION AND PENALTY;
PARKING VIOLATION ISSUANCE AND REMOVAL**

- (A) Whenever any vehicle is in violation of any provision of this Code prohibiting or restricting vehicle parking, standing, or compliance, except for child passenger protection statutes, any person, whether owner or lessee, in whose name the vehicle is registered with the secretary of state of Illinois or other state's registry of motor vehicles will be prima facie responsible for the violation and subject to the penalty therefor.
- (B) Whenever any vehicle exhibits a violation of any provision of this Code regarding compliance or prohibiting or restricting vehicular parking or standing, any police officer, parking enforcement officer, or other person designated by the City Manager, who observes such violation may issue a notice of parking or compliance violation as provided for in Section 11-2-4 of this Chapter and serve the notice on the registered owner of the vehicle by handing it to the operator of the vehicle, if he/she is present, or by affixing it to the vehicle in a conspicuous place. The issuer of the notice will specify on the notice his/her identification number, the particular parking ordinance allegedly violated, the make and state registration number or the vehicle identification number (VIN) of the cited vehicle, and the place, date, time and nature of the alleged violation and will certify the correctness of the specified information by signing his/her name at the time of service as provided in the Illinois Vehicle Code, 635 ILCS 11-208.3, or, in the case of a computer generated notice, by signing a single certificate to be kept by the Parking Division Manager or his/her designee attesting to the correctness of all notices produced by the device while it was under his/her control.
- (C) It will be unlawful for any person, other than the registered owner of the vehicle or his/her designee, to remove from a vehicle a parking or compliance violation notice affixed pursuant to this Chapter. The fine for a first time violation of this Section will be two hundred fifty dollars (\$250.00). Subsequent violations will be penalized by imposition of a five hundred dollars (\$500.00) fine.
- (D) Whenever any operator or passenger is in violation of seat belt requirements as stated in 625 ILCS 512-603.1 of the Illinois Vehicle Code or the Child Passenger Protection Act, 625 ILCS 2/1 et seq., the notice of the violation will be served on the person in violation of the regulations by handing the notice to that person. The person identified in the notice of violation will be known as the "respondent."

11-2-4. - NOTICES; CONTENTS, DISTRIBUTION, AND RECORD KEEPING

- (A) Parking and compliance violation notices will contain the information required under Section 11-2-3 of this Chapter. In addition, the notices will state the applicable fine, the monetary penalty which will be automatically assessed for late payment, that vehicle immobilization and driver's license suspension may be imposed if fines and penalties are not paid in full, that payment of the stated fine, and of any applicable penalty for late payment, will operate as a final disposition of the violation, and information as to the availability of an administrative hearing in which the violation may be contested on its merits and the time and manner in which such hearing may be had.
- (B) The Parking Division Manager or his/her designee will distribute parking and compliance violation notices to parking enforcement officers, other persons authorized to issue parking violation notices, and the department of police for issuance pursuant to City Code Section 11-2-3. The Parking Division Manager will ensure the maintenance of a record of each set of notices issued to all persons authorized to issue parking and compliance violation notices.
- (C) The Parking Division Manager or his/her designee will compile and maintain complete and accurate records relating to all parking violation notices issued pursuant to City Code Section 11-2-3 and the dispositions thereof. Notwithstanding any of the foregoing, the Chief Financial Officer or his/her designee will also compile and maintain records of adjudicated parking violation notices.

11-2-5. - DETERMINATION OF LIABILITY

- (A) A person served with a parking or compliance violation notice pursuant to City Code Section 11-2-3 will, within ten (10) 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 City Code Section 11-2-7.
- (B) To obtain an adjudication by United States postal service or electronic mail; or 3) request an administrative hearing as set forth in City Code Section 11-2-8 to contest the charged violation. A response by mail will be deemed timely if postmarked within ten (10) days of the issuance of the notice of violation.
- (C) If the respondent submits documentary evidence to obtain an adjudication by U.S. mail or electronic mail pursuant to City Code Section 11-2-7, the Chief Financial Officer or his/her designee will send the respondent a copy of the Hearing Officer's determination of liability in accordance with Subsection (F) of this Section.
- (D) If the respondent requests an administrative hearing to contest the cited violation pursuant to City Code Section 11-2-8, the Chief Financial Officer or his/her designee will notify the respondent in writing of the location and time available for a hearing in accordance with Subsection (F) of this Section. Where a respondent, who has requested an administrative hearing, fails to appear at his/her hearing, a determination of noncompliance or parking

violation liability will be entered in the amount of the fine, penalty, or cost indicated on the notice of violation. Upon the occurrence of a final determination of liability as provided for below, any unpaid fine, penalty, and/or cost will constitute a debt due and owing the city. The Chief Financial Officer or his/her designee will cause a notice of hearing providing this information to be sent to the respondent in accordance with Subsection (F) of this Section.

- (E) If no response is made in accordance with Subsection (A) of this Section, the Parking Division Manager will cause a second notice of violation to be sent to the respondent in accordance with Subsection (F) of this Section. The notice will specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the applicable fine and penalty and the time and manner in which the respondent may obtain an adjudication by U.S. mail or electronic mail or request a hearing to contest the violation. If the respondent requests an administrative hearing to contest the cited violation, the Chief Financial Officer or his/her designee will cause a notice of hearing to be sent to the respondent as provided in Subsection (C) of this Section. If the respondent fails, within ten (10) days from the date of such second notice, to pay the indicated fine, submit documentary evidence to obtain an adjudication by mail, or request a hearing to contest the charged violation, a determination of liability will be entered in the amount of the fine indicated on the notice of violation.
- (F) Upon the occurrence of a final determination of liability, by default, adjudication or otherwise, any unpaid fine, penalty and/or cost will constitute a debt due and owing the City. Failure by a respondent to pay the fine for a parking violation within twenty-one (21) days of issuance of such final determination of liability automatically subjects the respondent to a penalty for late payment. The penalty for late payment will be in accordance with City Code Section 10-11-17.
- (G) The Chief Financial Officer or his/her designee will serve the notice of hearing, the second notice of violation, the Hearing Officer's determination, the notice of final determination of liability, the notice of impending vehicle immobilization, and the notice of impending driver's license suspension, where applicable, by first class mail, postage prepaid, to the address of the registered owner of the vehicle as recorded with the Secretary of State of Illinois. If the vehicle is registered in a state other than Illinois, the Chief Financial Officer or his/her designee will send the notices in question to the address of the registered owner as recorded in such other state's registry of motor vehicles.

11-2-6. - GROUNDS FOR ADJUDICATION BY MAIL OR ADMINISTRATIVE HEARING

A person charged with a parking or compliance violation (other than for child passenger protection regulations) may contest the charge through an adjudication by U.S. mail or electronic mail or at an administrative hearing limited to one or more of

the following grounds with appropriate evidence to support:

- (A) The respondent was not the owner or lessee of the cited vehicle at the time of the violation;
- (B) The cited vehicle or its state registration plates were stolen at the time the violation occurred;
- (C) The relevant required signs prohibiting or restricting parking were missing or obscured;
- (D) The subject parking meter was inoperable or malfunctioned through no fault of the respondent;
- (E) The facts alleged in the parking violation notice are materially inconsistent or do not support a finding that the specified regulation was violated.

11-2-7. - ADJUDICATION BY U.S. OR ELECTRONIC MAIL; PROCEDURE

- (A) Administrative hearings to review materials submitted for the adjudication by U.S. mail or electronic mail of notices of parking violations issued pursuant to City Code Section 11-2-3 will be held by a Hearing Officer appointed by the and conducted in accordance with Chapter 1 of this Title. Notwithstanding any of the foregoing, in the event of a conflict between Chapter 1 of this Title and this Chapter, the latter will be controlling.
- (B) The respondent may contest a parking or compliance violation based on one or more of the grounds provided in City Code Section 11-2-6, by transmitting either through U.S. mail or electronic mail to the division of administrative adjudication the following materials and information: the notice of violation, the full name, address, and telephone number(s) of the respondent; the make, model, and year of the vehicle; any documentary evidence to rebut the charge; and a written statement signed by the respondent setting forth facts relevant to establishing a defense to the charge. A legible photocopy of any documentary evidence submitted by any party will be accepted as the equivalent of the original document.
- (C) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a parking or compliance violation notice, or a copy thereof, will be prima facie evidence of the correctness of the facts specified therein.
- (D) Upon review of the materials submitted in accordance with Subsection (B) of this Section, the Hearing Officer will enter a determination of no liability or of liability in the amount of the fine and any applicable penalty or costs for the subject violation. Upon issuance, such determination will constitute a final determination for purposes of judicial review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq.

11-2-8. - ADMINISTRATIVE HEARINGS; PROCEDURE

- (A) Administrative hearings for the in-person adjudication of parking and compliance violation notices issued pursuant to City Code Section 11-2-3 will be held before a Hearing Officer and conducted in accordance with Chapter 1

- of this Title. Notwithstanding any of the foregoing, in the event of a conflict between Chapter 1 of this Title and this Chapter, the latter will be controlling.
- (B) All testimony will be given under oath or affirmation, which will be administered by the Hearing Officer. The Hearing Officer may issue subpoenas to secure the attendance and testimony of witnesses and the production of relevant documents; provided, however, that a respondent who appears by an attorney will not be compelled to attend the hearing and may submit his/her testimony, if any, by affidavit. In addition, witnesses who have not been subpoenaed to attend the hearing may submit their testimony, if any, by affidavit.
 - (C) No violation may be established except upon proof by a preponderance of the evidence; provided, however that a parking or compliance violation notice, or a copy thereof, issued, signed, and served in accordance with City Code Section 11-2-3 will be prima facie correct and will be prima facie evidence of the correctness of the facts specified therein.

11-2-9. - HEARING; DETERMINATION OF LIABILITY OR OF NO LIABILITY; PETITION

- (A) Upon conclusion of a hearing under City Code Section 11-2-8, the Hearing Officer will issue a determination of no liability or of liability in the amount of the fine for the subject violation as provided in City. Upon issuance, such determination will constitute a final determination for purposes of judicial review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq.
- (B) If a person fails to respond to the violation notice and the second notice of violation, a determination of liability will be entered pursuant to City Code Section 11-2-5 and will be served upon the person in accordance with Subsection 11-2-5(F) of this Chapter. Such determination will become final for purposes of judicial review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq., upon the denial of, or the expiration of the time in which to file, a timely petition to set aside the determination as provided in Subsection (C) of this Section.
- (C) Within twenty-one (21) days from the issuance of a determination of liability pursuant to Subsection (B) of this Section, the person against whom the determination was entered may petition the Hearing Officer by appearing in person, at the location specified in the determination, to set aside the determination; provided, however, the grounds for the petition will be limited to: 1) the person not having been the owner or lessee of the cited vehicle on the date the parking or compliance violation notice was first issued; 2) the person having already paid the fine or penalty for the parking or compliance violation in question; or 3) excusable failure, based upon criteria established by the Chief Financial Officer or his/her designee, to appear at or request a new date for a hearing. The petitioner will appear with appropriate evidence, pursuant to City Code Section 11-2-6, so that if the petition is granted, he/she is prepared to proceed immediately with a hearing on the merits.

11-2-10. - NOTICE OF FINAL DETERMINATION

- (A) If any fine, penalty, and/or cost is owing and unpaid after a determination of liability under this Chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the Chief Financial Officer or his/her designee will cause a notice of final determination of liability to be sent to the respondent in accordance with City Code Subsection 11-2-5(F).
- (B) Any fine, penalty, and/or cost remaining unpaid after the notice of final determination of liability is sent will constitute a debt due and owing the city. Failure of the respondent to pay such fine or penalty within twenty-one (21) days of the notice may result in: 1) the immobilization of the person's vehicle for failure to pay fines or penalties for five (5) or more parking violations, and 2) the suspension of the person's driver's license for failure to pay fines or penalties for ten (10) or more parking violations.

11-2-11. - IMMOBILIZATION PROGRAM

- (A) The Parking Division Manager or his/her designee is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking and compliance ordinances of Title 10 of this Code. The program of vehicle immobilization will provide for immobilizing any eligible vehicle located on the public way or any City owned property by placement of a restraint in such a manner as to prevent its operation.
- (B) When the registered owner of a vehicle has accumulated five (5) or more final determinations of parking and/or compliance violation liability, in any combination, for which the fines and applicable penalties, have not been paid in full, the Chief Financial Officer or his/her designee will cause a notice of impending vehicle immobilization to be sent in accordance with City Code Subsection 11-2-5(F) of this Code. The notice of impending vehicle immobilization will state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of parking and/or compliance violation notices which have resulted in final determination of liability for which fines and/or penalties remain unpaid. Failure to pay the fines and penalties owed within twenty-one (21) days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by requesting a hearing and appearing in person to submit evidence which would disprove liability within twenty-one (21) days of the date of the notice. Documentary evidence which disproves liability will be based on the following grounds:
 - 1. That all fines and penalties for the violations cited in the notice have been paid in full; or

2. That the registered owner has not accumulated five (5) or more final determinations of parking violation liability which were unpaid at the time the notice of impending vehicle immobilization was issued.
- (C) Upon immobilization of an eligible vehicle, a notice will be affixed to the vehicle in a conspicuous place. Such notice will warn that the vehicle is immobilized and that any attempt to move the vehicle may result in its damage. The notice will also state that the unauthorized removal of or damage to the immobilizing restraint is a violation of Subsection (H) of this Section. The notice will also provide information specifying how release of the immobilizing restraint may be had, and how the registered owner may obtain an immobilization hearing. If the restraint has not been released within twenty four (24) hours of its placement, the restraint will be released and the vehicle towed and impounded.
- (D) The owner of an immobilized vehicle or other authorized person may secure the release of the vehicle by paying the immobilization, towing, and storage fees provided in Subsection (G) of this Section, and all fines and penalties remaining due on each final determination of liability issued to such person.
- (E) The owner of an immobilized vehicle will have the right to a hearing to determine whether the immobilization or any subsequent towing was erroneous, if the owner requests a hearing with the Chief Financial Officer or his/her designee within fourteen (14) days after immobilization or fourteen (14) days of the date of the notice sent pursuant to Subsection (F) of this Section, whichever is later. Hearings requested pursuant to this Subsection will be conducted by a Hearing Officer upon request for a hearing. The determination of the Hearing Officer regarding the validity of the immobilization will become final for the purpose of judicial review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq., upon issuance.
- (F) Within ten (10) days after a vehicle has been impounded, a notice of impoundment will be sent by certified mail, return receipt requested, to the address of the registered owner as listed with the secretary of state. The notice will state that the owner has the right to request a post-immobilization and post-towing hearing as provided in Subsection (E) of this Section, and that if the vehicle is not claimed within thirty (30) days from the date of the notice, the vehicle may be sold or otherwise disposed of in accordance with the Illinois Vehicle Code, 625 ILCS 5/4-208.
- (G) The fee for removal of an immobilization device will be one hundred twenty-five dollars (\$125.00). Fees for towing and storage will be the current year's city contract price for said services.
- (H) It is unlawful to remove or damage the immobilizing device or to relocate or tow any vehicle restrained by an immobilization device without the prior approval of the Parking Division Manager. Any person who violates this Section will be subject to a penalty of five hundred dollars (\$500.00) for each such violation.
- (I) Notwithstanding any other provisions of this Section, no impounded vehicle will be released and/or operated on the public way without proof of current liability insurance coverage, a current state registration plate registered to

and displayed on the impounded vehicle. In addition to the foregoing, if the impounded vehicle is required to be licensed pursuant to City Code Section 10-8-1, then it will not be released without a current City of Evanston wheel tax vehicle sticker.

11-2-12. - DRIVER'S LICENSE SUSPENSION

- (A) When a person has failed to pay any fine or penalty due and owing pursuant to this Chapter on ten (10) or more parking and/or compliance violations, the Chief Financial Officer or his/her designee will cause a notice of impending driver's license suspension to be sent, in accordance with City Code Subsection 11-2-5(F). The notice will state that failure to pay the amount owing within forty-five (45) days of the date of the notice will result in the city's notifying the secretary of state that the person is eligible for initiation of suspension proceedings pursuant to the Illinois Vehicle Code, 625 ILCS 5/6-306.5.
- (B) If a person sent a notice pursuant to Subsection (A) of this Section fails to pay the amount owing within the time stated on the notice, the Chief Financial Officer or his/her designee may file with the Secretary of State a certified report, in accordance with the Illinois Vehicle Code, 625 ILCS 5/6-306.5(c), that the person is eligible for initiation of suspension proceedings, and the Administrative Adjudication Division Manager will assess a ten dollar (\$10.00) filing fee against the person named in the certified report with the secretary of state.
- (C) A person named in a certified report filed pursuant to Subsection (B) of this Section may, within twenty-one (21) days of the date of the notice sent by the secretary of state pursuant to the Illinois Vehicle Code, 625 ILCS 5/6-306.5(b), request from the Chief Financial Officer or his/her designee a hearing; provided, however, the grounds for such challenge will be limited to: 1) 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; or 2) the person having already paid the fine and penalty for the ten (10) or more violations indicated on the report.
- (D) If a person named in a certified report has paid the previously reported fine or penalty or if the report is determined by the Chief Financial Officer or his/her designee to be in error, the Chief Financial Officer or his/her designee will notify the Secretary of State in accordance with the Illinois Vehicle Code, 625 ILCS 5/6-306.5(d). A certified copy of such notification will be given, upon request and at no charge, to the person named therein.

11-2-13. - LESSOR OF VEHICLE NOT LIABLE FOR VIOLATIONS; WHEN-

- (A) In accordance with the Illinois Vehicle Code, 625 ILCS 5/11-1306, no person who is the lessor of a vehicle pursuant to a written lease agreement will be liable for a violation of any standing or parking regulation involving such vehicle during the period of the lease, if, upon receipt of a notice of violation

sent within one hundred twenty (120) days of the violation, he/she will, within sixty (60) days thereafter, provide to the Chief Financial Officer or his/her designee, the name and address of the lessee.

- (B) Upon receipt of a lessor's notification of the name and address of his/her lessee, provided pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-1305 or 625 ILCS 5/11-1306, the Chief Financial Officer or his/her designee will cause a notice of violation to be sent to the lessee as provided for in City Code Subsection 11-2-5(D). The lessee of the vehicle will be afforded the same opportunities to contest the notice of violation as are afforded to the registered owner.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and will be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 6: This ordinance is in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 26th, 2017

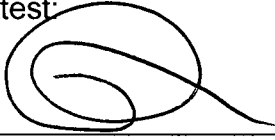
Approved:

Adopted: July 10th, 2017

July 26, 2017

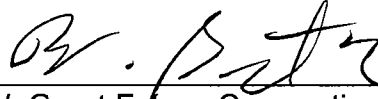

Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



W. Grant Farrar, Corporation Counsel