

ORDINANCE 2014-03

***An Ordinance Amending Title 6, Chapter 7, to add Section 6-7-2 and 6-7-3
to the Municipal Code of the Village of West Dundee, Illinois,
Providing an Administrative Review***

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS that:

Section 1: The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

Section 2: A new Section shall be and is hereby added to Title 6, Chapter 7 Section 2 and Section 3 of the West Dundee Municipal Code and read as follows:

Sec. 6-7-2 Request for Hearing

- A. An individual may request, in writing within 30 days of the imposition of the Administrative Fee, a hearing.
- B. The Chief of Police or their designee shall conduct the hearing.
- C. The hearing shall be informal, not subject to the formal rules of evidence, and may be conducted over the phone.
- D. If, after the hearing, the Chief of Police or his designee determine that the imposition of the Administrative Fee was proper then they shall direct the collection of the Administrative Fee.
- E. If there is a determination that the imposition of the Administrative Fee was improper, then the arrestee shall not be required to pay the Administrative Fee. If the Administrative Fee has already been paid then the same will be refunded.
- F. The individual may appeal the decision of the Chief of Police, or their designee, by requesting, in writing, within fourteen (14) days of the decision, an administrative hearing as set forth herein.

Sec. 6-7-3 Appeal-Administrative Hearing

- A. Upon the timely written request by the individual who has been charged the Administrative Fee, a hearing on the lawfulness of the imposition of the Administrative Fee shall be conducted in conjunction with the Administrative Hearing section of the Municipal Code, Section 6-8-4.
- B. Any sworn or affirmed report that is prepared in the performance of a law enforcement officer's duties and sufficiently describes the circumstances leading to the individual's arrest and processing shall be admissible prima facie evidence

of the probable cause and the individual's liability, unless rebutted by clear and convincing evidence.

- C. If after the hearing, the hearing office finds that the imposition of the Administrative Fee was proper under the terms of this Chapter, the Hearing Officer may enter a written order finding the individual civilly liable to the Village of West Dundee.
- D. If the individual requests a hearing but fails to appear at the hearing, the hearing officer may enter a default order for the amount of the Administrative Fee against the individual.
- E. If the individual fails to timely request a hearing, an order for the amount of the Administrative Fee shall be entered against the individual, unless said individual has affirmatively waived the right to an administrative hearing and agreed to pay the administrative fee.
- F. If after the hearing, the hearing officer finds that the imposition of the Administrative Fee was improper, then the individual will not be charged the Administrative Fee.


Section 3: Any policy, resolution or ordinance of city, or any part thereof, that conflict with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

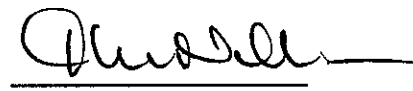
Section 4: The ordinance shall be in full force and effect from and after it's passage and approval in the manner provided by law.

APPROVED and PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 27th day of February, 2014.

AYES: Trustees Pflanz, Wilbrandt, Kembitzky, Price, Hanley and Yuscka
NAYS: None
ABSENT: None

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President