

**PETITION TO SET ASIDE DETERMINATION**

VILLAGE OF GURNEE,

An Illinois Municipal Corporation,

Petitioner

v.

Case or Citation Number: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Officer: \_\_\_\_\_

Location: \_\_\_\_\_

Vehicle Year/Make: \_\_\_\_\_ Model: \_\_\_\_\_

Plate #: \_\_\_\_\_ State: \_\_\_\_\_

VIN: (last 6): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Case Type:  Photo Enforcement  
 Parking Violation  
 Ordinance Violation  
 Other \_\_\_\_\_

Respondent,

**PETITION TO SET ASIDE FINAL DETERMINATION OF LIABILITY**

This matter coming on for Hearing (or Administrative Review), and the Hearing Officer (or Traffic Division Administrator) being advised in the premises, having considered the motions, evidence and/or arguments presented, and having entered an order of "Liable" on (date) \_\_\_\_\_, Respondent hereby files this Petition to Set Aside based upon grounds as set forth in Sec. 2-309 (b) 1-4 and/or Sec. 78-164 (see reverse) of the Gurnee Municipal Code.

**Please circle one or more and provide a brief written explanation (attach a separate sheet)**

1. Lack of proper service;
2. The person not having been the owner/lessee of the property cited on the date violation notice was issued;
3. The person having already paid the fine or late fee for the violation in question;
4. The order is against the manifest weight if the evidence, or new evidence unknown to and unavailable to a party on the date of the hearing will materially affect the order of the hearing officer; or
5. Excusable failure to appear at the hearing or request a new date for hearing.

Internal Use Only: (check one)  Petition accepted; route to hearing officer  Petition denied

\_\_\_\_\_  
Respondent Signature:

\_\_\_\_\_  
Traffic Division Administrator or Designee Signature:

\_\_\_\_\_  
Date Signed:

\_\_\_\_\_  
Date Signed:

## Referenced Village of Gurnee Ordinances:

**Sec. 2-309. Orders.** The administrative hearing officer shall issue a written order specifying the ordinance violated, and the fine and other relief granted. The order shall also contain the following notice:

The fines and penalties contained in this order are a debt due and owing the Village of Gurnee and said total of fines and penalties must be paid within 30 days of the date the order is issued by the administrative hearing officer.

Failure to pay any fine or penalty due and owing the village within the aforementioned time-period may result in the village's instituting an action in the circuit court of Lake County to recover said fines and penalties. In addition, the village may petition the Illinois Secretary of State for a suspension of respondent's driver's license for failure to pay fines and penalties totaling \$250.00 or greater under 625 ILCS 6-306.5.

- a. Final orders. The order of the administrative hearing officer becomes final 30 days following entry of the order, or 30 days from a denial of a timely-filed petition to set aside the hearing officer's decision, whichever occurs last.
- b. Petition to set aside determination. A petition to set aside the order of the administrative hearing officer must be filed within 30 days of entry of the administrative hearing officer's order. The petition shall be filed in the village administrator's office. The administrative hearing officer shall set a briefing schedule and hearing date. The grounds for the petition are limited to the following:
  1. Lack of proper service;
  2. The person not having been the owner or lessee of the property cited on the date the violation notice was issued;
  3. The order is against the manifest weight of the evidence, or that new evidence unknown to and unavailable to a party on the date of the hearing will materially affect the order of the hearing officer; or
  4. Excusable failure to appear at the hearing or request a new date for a hearing.

In the event the determination is set aside upon a showing of just cause, the administrator shall set a hearing on the merits for that violation at the earliest available date convenient to all parties.

### **Sec. 78-164. Manner and grounds for contesting final determination of liability.**

A person owing an unpaid fine or late fee for an automated traffic law violation may file a written petition to set aside a final determination of liability. The petition shall be filed by sending the same, together with any documentation in support thereof, to the traffic administrator by U.S. mail or by personal delivery to the traffic administrator. The grounds for such a petition shall be limited to:

1. The person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued;
2. The person having already paid the fine or late fee for the violation in question; and
3. Excusable failure to appear at or request a new date for a hearing.

The traffic administrator shall render his decision in writing. In the event that such a petition is granted upon a showing of just cause, and the final determination of liability set aside, the registered owner or lessee shall be provided with an administrative hearing on the merits for that violation.