

CHAPTER 42A—ADMINISTRATIVE ADJUDICATION AND REVIEW

42A.01 PURPOSE

The purpose of this Chapter is to provide for the fair and efficient enforcement of designated Village ordinances, as may be allowed by law and directed by ordinance, through an administrative adjudication of violations of such Village ordinances, the establishment of a hearing process for the review of designated administrative actions taken by the Village, and the establishment of fines and penalties relating thereto and procedures for the collection of any unpaid fines and penalties.

42A.02 ADOPTION

To accomplish the foregoing purpose, the Village of Romeoville hereby adopts Division 2.1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1 *et seq.*, in its current form and as it may be amended from time to time for adjudication of Village ordinance violations and the conduct of hearings to review administrative actions taken by the Village.

42A.03 JURISDICTION

The matters subject to the administrative adjudication system provided for by this Chapter shall include those violations of Village ordinances set forth in Appendix A to this Chapter and hearings for the review of the administrative actions set forth in Appendix A. In addition, the administrative adjudication and review procedures set forth in this Chapter shall also apply to and govern the conduct of hearings required by the applicable ordinances of the Village or laws of the State of Illinois or the United States of America, where the provisions of such ordinances or laws do not otherwise provide a procedure for the conduct of the requisite hearing on the matter at issue.

The following listed ordinance violations shall be and are hereby expressly excluded from the administrative adjudication system provided for by this Chapter, and shall be prosecuted through cases filed in the 12th Judicial Circuit Court, or as otherwise provided for in the Village Code of Ordinances or applicable Illinois law:

- A. Any offense under the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.* or the Village Code of Ordinances governing the movement of vehicles;
- B. Any reportable offense under 625 Illinois Compiled Statutes 5/6-204;
- C. Violations punishable by penalty of incarceration;
- D. Violations punishable by a fine in excess of Fifty Thousand Dollars (\$50,000.00) per violation not including allowable costs, provided however, that the maximum fine amount of Fifty Thousand Dollars (\$50,000.00) does not apply to cases brought to enforce the collection of any tax imposed and collected by the Village;
- E. Any violations of Chapter 112 pertaining to alcoholic beverages or licenses; and
- F. Any other proceedings not within the statutory home rule authority of municipalities.

42A.04 CODE HEARING DEPARTMENT

There is hereby established a Code Hearing Department, the function of which is to expedite the adjudication of ordinance violations and review of Village administrative actions.

42A.05 HEARING PROCEDURES NOT EXCLUSIVE

Administrative adjudication procedures are not exclusive. The adoption by the Village of the system of administrative adjudication set forth in this Chapter does not preclude the Village from using other methods to enforce Village ordinances. The Village shall at its discretion determine the enforcement procedure for any given violation on a case by case basis.

42A.06 COMPOSITION OF CODE HEARING DEPARTMENT

The Code Hearing Department shall consist of one or more Hearing Officers, and one or more Hearing Clerks, as deemed necessary by the Village from time to time.

The Village President is hereby authorized to appoint all Hearing Officers of the Village. The Village Chief of Police shall be authorized to designate one or more Police Department personnel to serve as Hearing Clerks.

42A.07 HEARING OFFICER

A. Administrative hearings shall be presided over by Hearing Officers. The powers and duties of a Hearing Officer shall include:

1. Hearing testimony and accepting evidence that is relevant to the existence of the Code violation or the administrative action under review or appeal;
2. Issuing subpoenas directing witnesses to appear and give relevant testimony at a hearing, upon the request of the parties or their representatives;
3. Issuing and signing a determination, based on the evidence presented at the hearing, of whether a Code violation exists, or whether the administrative action under review or appeal should be upheld. The determination shall be in writing and shall include a written finding of fact, decision, and order including any fine, penalty, or action with which the violator must comply; and
4. Imposing penalties and fines consistent with applicable Code provisions and assessing applicable costs or fees upon finding a party liable for the charged violation, except, however, that in no event shall the Hearing Officer have authority to (i) impose a penalty of incarceration; (ii) impose a fine in excess of Fifty Thousand Dollars (\$50,000.00), (iii) in cases where a violation has been proven, impose a fine in any amount less than Fifty Dollars (\$50.00) or such mandatory minimum fine amount prescribed by any provision of the Village Code of Ordinances, including but not limited to the mandatory minimum fines for initial and subsequent violations of certain Village ordinances included in Appendix B to this Chapter or (iv) without the consent of the Village, reduce or waive any applicable cost or enforcement, cost of compliance, administrative fee or hearing fee to any amount less than the amount established by this Chapter or any other applicable provision of the Village Code of Ordinances. The maximum

monetary fine amount imposed hereunder shall not be applicable to cases to enforce the collection of any tax imposed (together with applicable interest and penalties thereon) and collected by the Village. In addition to the maximum monetary fine, the hearing officer may also impose any costs of enforcement, costs imposed to secure compliance with the Village's ordinances and the costs of conducting the administrative hearing;

5. Administering oaths and affirmations to witnesses; and

6. Such other powers and duties as may be necessary to effectuate the purposes of this Chapter and the enforcement thereof.

B. Prior to their appointment, Hearing Officers shall have successfully completed a formal training program which includes the following:

1. Instruction on the rules of procedure of the administrative hearing which they will conduct;

2. Orientation to each subject area of the Code violations that they will adjudicate;

3. Observation of administrative hearings; and

4. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

C. The Hearing Officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years.

42A.08 CODE ENFORCEMENT OFFICERS

Code enforcement officers shall include all Village employees authorized or directed by any applicable provisions of this Code to determine whether violations of Village ordinances exist, and to initiate enforcement proceedings in cases where a violation of Village ordinances exists, including by issuing warning notices under this Chapter.

42A.09 HEARING CLERKS

Hearing clerks shall be responsible for the management and administration of all records pertaining to administrative adjudication and review hearings conducted under this Chapter, including but not limited to issuing notices of violations, scheduling and providing notices of hearing dates, maintaining records of fine, penalty and costs assessments and payments, maintaining records of appearances at administrative hearings, preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing and maintaining records of the orders and judgments of the Hearing Officer. Hearing clerks may also be assigned such other duties from time to time as may be necessary to the efficient conduct of administrative hearings under this Chapter.

42A.10 WARNING NOTICE

A. An original warning notice regarding each ordinance violation to be enforced under this Chapter shall be issued by the persons authorized under this Chapter, except as otherwise

hereinafter set forth, and except that all vehicle impoundment matters shall be subject to the hearing notice provisions set forth in Chapter 81.251 of this Code. The original warning notice shall describe the offending conduct and shall contain at least the following information:

1. The date, time, and place of the violation, including a description of the activity or conduct alleged to constitute the violation or the underlying facts giving rise to the violation;
2. The particular ordinance violated/violation charged;
3. The vehicle make and state registration number, if applicable;
4. The name, Village department and position, and badge/identification number of the person issuing the notice;
5. A date by which the violation shall be brought into compliance, which date shall be established as hereinafter provided, subject to the potential extension of such date as hereinafter provided, and a statement that after such compliance date, further enforcement action with respect to such violation shall only be avoided by (i) the payment to the Village of a fine of Fifty Dollars (\$50.00) and (ii) the abatement of the violation and presentation to the Village of an affidavit and agreement of compliance and hearing waiver with respect to such violation;
6. The name and address of the person or entity responsible for the alleged ordinance violation(s), except that the name of such person or entity may be omitted from any warning notice being served by posting upon the property as permitted by Section 42A.10(B)(3);
7. A statement advising that payment of the specified fine, and the submission of an affidavit and agreement of compliance and hearing waiver shall result in the dismissal of any scheduled administrative adjudication hearing on the alleged violation provided that the payment, affidavit and waiver are received by the Village not less than 14 calendar days prior to any scheduled administrative adjudication hearing date, and provided further, that the Village reserves the right in all cases to investigate and verify compliance and all matters presented in any affidavit and agreement of compliance, and to reject any affidavit and agreement of compliance or purported compliance efforts in any case where such investigation reveals the same to be incomplete, inaccurate, false or misleading;
8. A statement advising that the failure to make payment of the specified fine, abate the violation and to submit an acceptable affidavit and agreement of compliance and hearing waiver not less than 14 calendar days prior to any scheduled administrative adjudication hearing date shall result in the conduct of an administrative adjudication hearing on the matter in accordance with this Chapter.

Notwithstanding the foregoing, information on original warning notices issued by the Village and intended to be affixed to an unlawfully parked, unlawfully standing or noncompliant

vehicle or handed to the operator thereof shall be limited to the items set forth above in Section 42A.10(A)(1) through Section 42A.10(A)(5).

B. Service of any original ordinance violation warning notice pursuant to this Chapter shall be made by:

1. Handing the notice to the person responsible for the ordinance violation;
2. Handing the warning notice to any person thirteen (13) years of age or older at the residence of the person responsible for the ordinance violation and mailing the warning notice by certified mail, return receipt requested, to that person;
3. Posting the warning notice upon the property where the violation is found when the person responsible for the violation is the owner, occupant or manager of the property; or
4. For parking, standing, or vehicle compliance warning notices, by affixing the original or a facsimile of the warning notice to the unlawfully parked, unlawfully standing or noncompliant vehicle or by handing the warning notice to the operator of the vehicle if present; or
5. By any other methods permitted under the Illinois Code of Civil Procedure or the Illinois Municipal Code.

C. All full-time police officers, all Code Enforcement Officers, and the Animal Warden, as well as other individuals authorized by the Chief of Police from time to time shall have the authority to issue ordinance violation warning notices under this Chapter; without limiting the generality of the foregoing, employees of the Village Department of Community Development shall be authorized to issue ordinance violation warning notices under this Chapter for violations arising under Chapter 92, 93 and 150 of this Code, and for violations arising under Chapter 151 not involving single family residential properties. Any individual authorized to issue warning notices and who detects an ordinance violation is authorized to issue a warning notice thereof and shall make service thereof in the manner set forth in this Chapter.

D. Unless otherwise provided for under the Code, upon failure of the person responsible for the ordinance violation under this Chapter to pay any applicable fee, fine or penalty and submit an acceptable affidavit and agreement of compliance and hearing waiver within the time set forth in the original warning notice or within any extension of such time granted by the Village as contemplated by this Chapter, the Village shall proceed to schedule and/or conduct an administrative adjudication hearing on the alleged ordinance violation as set forth in Section 42A.11.

E. The correctness of facts contained in any warning notice shall be verified by the person serving the notice by signing his name to the notice at the time of issuance of the warning notice.

F. The original or a facsimile of each warning notice shall be retained by the Village and kept as a record in the ordinary course of business.

G. Any warning notice or any hearing notice issued, signed, and served in accordance with this Chapter, or a copy of the notice, shall be prima facie correct and shall constitute prima facie evidence of the correctness of the facts shown on the notice.

H. The provisions of this Section 42A.10 shall apply to all warning notices issued prior to the potential initiation of administrative hearings under this Chapter 42.

I. Compliance Dates in Warning Notices and Extensions Thereof. Code enforcement officers shall have the discretion to establish the date in any warning notice by which an ordinance violation shall be brought into compliance, and to authorize extensions of such compliance dates in cases where the person or entity receiving the warning notice has made reasonable progress toward achieving compliance, or where circumstances beyond the reasonable control of such person or entity exist that hinder, prevent or delay the ability of such person or entity to achieve compliance or reasonable progress toward compliance. In establishing any compliance date included within a warning notice or in evaluating potential or requested extensions of any previously established compliance date, including requests for continuances of administrative hearings as contemplated by Section 42A.15, code enforcement officers shall consider the following factors:

1. Time of year/weather conditions, for violations requiring outdoor corrective action;
2. Time period required to retain a contractor and/or obtain necessary equipment, materials or supplies;
3. Health conditions or disability status of the person responsible for a violation;
4. Extent to which any violation threatens the health, safety and welfare of the public, and the immediacy and severity of any such threat;
5. Financial ability of or resources available to the person or entity to support efforts to achieve compliance;
6. Any other personal or family circumstances affecting a person's ability to achieve compliance; and
7. The number and length of any previous extensions to an established compliance date previously granted to a person or entity.

Notwithstanding the foregoing, the initial compliance date for any violation of Sections 93.60 or 93.61 of the Village Code, or any violation of Section 302.4 of the International Property Maintenance Code as adopted by Chapters 150 and 151 of this Code, shall be three days from the date of the notice of violation, provided, however, that any extensions of such date shall be evaluated and considered in light of the factors set forth above.

J. Notwithstanding any contrary provision of this Section, the provisions of this Section shall only require the issuance and service of a warning notice in cases where the nature of the violation is such that it is capable of being abated by the action of the party responsible for such violation, i.e., violations that exist as of the date of the warning notice and which will continue to

exist absent the taking of the corrective action necessary to bring the same into compliance. In any case where a violation occurs that is within the scope of ordinance provisions/violations set forth in Appendix A to this Chapter, but which is not by its nature a continuing violation, a code enforcement officer shall have the authority and discretion to proceed directly to the issuance of a hearing notice under Section 42A.11 without the prior issuance of a warning notice.

Additionally, in any case where the party responsible for a violation has previously received two or more warning notices within any given one year period, a code enforcement officer shall likewise have the authority and discretion to proceed directly to the issuance of a hearing notice under Section 42A.11 without the prior issuance of a warning notice, and provided further, however, that notwithstanding any other contrary provision of this Chapter, any such hearing notice may provide (i) that the recipient of the hearing notice under such circumstances (i.e., without the prior issuance of a warning notice) shall be required to appear for a hearing on the matter at the date and time set forth in the hearing notice, and shall not have the option to compromise or resolve the matter without a hearing as otherwise provided for in this Chapter, or alternatively (ii) that the recipient of the hearing notice under such circumstances (i.e., without the prior issuance of a warning notice) shall have the option to avoid the conduct of a hearing as set forth in Section 42A.11.

42A.11 HEARING NOTICE

Upon the failure of any person responsible for an ordinance violation to bring such violation into compliance within the time provided for in any warning notice served on such person, including any extension of such time approved as contemplated by this Chapter, the Village shall cause a hearing notice to be sent by first class mail, postage prepaid, to the person or entity responsible for the ordinance violation. Service of the hearing notice sent in accordance herewith shall be complete as of the date of deposit in the United States mail. The hearing notice shall contain the following:

1. The name of the party violating the ordinance, if known;
2. The date, time, and place of the violation;
3. The particular ordinance violated;
4. The fine and penalty which may be assessed for late payment;
5. The signature and identification number of the person issuing the notice;
6. Information that the person responsible for the ordinance violation must appear on the date and at the time and place as specified in the hearing notice;
7. The date, time, and place of the administrative hearing at which the alleged violation may be contested on its merits, which date shall be not less than fifteen (15) calendar days from the date of service of the hearing notice;
8. The legal authority and jurisdiction under which the hearing is to be held and the penalties for failure to appear at the hearing;

9. A statement that the conduct of a hearing on the ordinance violation at issue, a final determination of liability for the cited violation in the amount of the fine and penalty and hearing costs and further enforcement action pursuant thereto shall only be avoided by (i) the payment to the Village of a fine of Fifty Dollars (\$50.00) and (ii) the abatement of the violation and presentation to the Village of an affidavit and agreement of compliance and hearing waiver with respect to such violation, on or before that date which is fourteen (14) days prior to the hearing date scheduled in the matter; and

10. A statement that upon the occurrence of a final determination of liability and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty or hearing cost will constitute a debt due and owing to the Village.

The provisions of this Section 42A.11 shall apply to all hearing notices for the conduct of administrative hearings under this Chapter 42, unless another provision of the Village Code shall specify a different procedure for the issuance of a hearing notice, in which case such other provision shall apply; without otherwise limiting the generality of the foregoing, the form, timing and manner of service of hearing notices for hearings on vehicle impoundments shall comply with and be governed by Section 81.251 of the Village Code of Ordinances.

42A.12 SUBPOENAS

At any time prior to the hearing date, parties may request the Hearing Officer to issue, and the Hearing Officer shall have the authority to issue, subpoenas to direct the attendance and testimony of relevant witnesses and produce relevant documents.

42A.13 DEFAULT

If on the date set for the hearing the violator or his or her attorney fails to appear, the Hearing Officer may find the violator in default and shall proceed with the hearing and accept evidence relevant to the existence of a Code violation.

42A.14 PETITION TO VACATE DEFAULT ORDER

After entry of an order finding the violator in default and liable pursuant to Section 42A.13, the Hearing Officer shall not hear a petition to vacate said default unless the violator first pays a Thirty Dollar (\$30.00) administrative fee to the Village. Said administrative fee shall be due when the violator files a petition for vacating a default order.

A Hearing Officer may set aside any judgment entered by default and set a new hearing date upon a petition filed within twenty-one (21) calendar days after the issuance of the order of default if the Hearing Officer determines that the petitioner's failure to appear at the hearing was for good cause, or at any time if the petitioner establishes that the Village did not provide proper service of process.

42A.15 CONTINUANCES

No continuances shall be authorized by the Hearing Officer in proceedings under this Chapter except for good cause shown, and in cases where a continuance is absolutely necessary to protect the rights of the violator, and also in any case where a continuance to provide an opportunity for compliance has been agreed to between the Village and the person or entity alleged to be responsible for the ordinance violation at issue. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer under this Chapter shall be at the discretion of the Hearing Officer.

42A.16 REPRESENTATION AT CODE HEARINGS

The case for the Village may be presented by an attorney designated by the Village or by any other Village employee. In no event, however, may the case for the Village be presented by an employee of the Code Hearing Department. The case for the violator may be presented by the violator or the violator's attorney. If the violator is a corporation or legal entity, it shall appear through its attorney. Attorneys representing violators in administrative hearings under this Chapter shall file a written appearance on a form provided for such purpose.

42A.17 HEARINGS

All hearings conducted under the administrative hearing system shall be conducted by a Hearing Officer and shall be in accordance with the following rules and procedures:

A. The date, time, and place shall be set forth in the hearing notice, provided that for hearings scheduled in all nonemergency situations, the violator shall have at least fifteen (15) calendar days after service of a hearing notice to prepare for a hearing, unless otherwise provided in any applicable provision of the Village Code of Ordinances creating a right to a hearing. No hearing shall be scheduled or convened more than forty five (45) calendar days from the date of service of a hearing notice. For purposes of this Section, "nonemergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, health, or welfare. If service is provided by mail, the fourteen day period shall begin to run on the date that the notice is deposited in the mail. Hearings to be scheduled for situations other than nonemergency situations shall be scheduled at the earliest possible date, except that the violator in an emergency hearing situation shall have at least three (3) calendar days after service of a notice to prepare for a hearing, unless otherwise provided in any applicable provision of the Village Code of Ordinances creating a right to a hearing.

B. The hearings shall be audio recorded.

C. Each hearing shall culminate in a determination of liability or nonliability by the Hearing Officer, or a determination of liability based upon the failure of the violator to appear at the scheduled hearing, whichever occurs first. In the case of a hearing on the impoundment of a vehicle under Chapter 81, the Hearing Officer shall make a determination sustaining or overruling the impoundment of the vehicle.

D. Pursuant to, and subject to the limitations set forth in Section 42A.07 of this Chapter, the Hearing Officer shall, upon a determination of liability, have the discretion to assess fines and penalties in accordance with this Code, assess interest charges for late payments, and order the

violator to undertake corrective actions to remedy the violation. In addition, pursuant to, and subject to the limitations set forth in Section 42A.07 of this Chapter, the Hearing Officer shall assess administrative hearing costs upon finding a violator liable for the charged violation in an amount not less than Fifty Dollars (\$50.00). In no event shall the Hearing Officer have authority to impose a penalty of incarceration or impose a fine in excess of Fifty Thousand Dollars (\$50,000.00) for a violation. In the event that the administrative hearing concerns the merits of an impoundment of a vehicle under Chapter 81 of the Village Code of Ordinances, the Hearing Officer shall, upon a determination that sustains the impoundment of the vehicle, enter an order forfeiting any administrative fee or bond paid or posted under Chapter 81 to the Village, and shall, upon a determination that overturns the impoundment of the vehicle, enter an order requiring the Village to reimburse any administrative fee paid to the Village under Chapter 81 and to release any bond paid to the Village to secure the release of any vehicle impounded under Chapter 81, all to the party having paid or posted the same.

E. The maximum monetary fine imposed hereunder shall not be applicable to cases to enforce the collection of any tax imposed (together with applicable interest and penalties thereon) and collected by the Village. In addition to the maximum monetary fine, the hearing officer may also impose any costs of enforcement, costs imposed to secure compliance with the Village's ordinances and the costs of conducting the administrative hearing.

F. Hearing room personnel, who shall be sworn law enforcement officers of the Village, shall be designated and appointed by the Village's Chief of Police and shall be authorized and directed to:

1. Maintain hearing room order and decorum; and
2. Perform such other duties or acts as may reasonably be required and as directed by the Hearing Officer.

42A.18 EVIDENCE

The formal and technical rules of evidence shall not apply in any hearing conducted under this Chapter. 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.

42A.19 FINDINGS, DECISION, AND ORDER

At the conclusion of the hearing, the Hearing Officer shall make a determination on the basis of evidence presented at the hearing whether or not an ordinance violation exists. The determination shall be in writing and shall be designated as findings, decision, and order. The findings, decision, and order shall include the Hearing Officer's findings of fact, a decision whether or not an ordinance violation exists based upon the findings of facts, an order imposing a fine or penalty as provided for by applicable provisions of the Village Code of Ordinances where an ordinance violation is found to exist, an order requiring the abatement of any ordinance violation determined to exist, or an order dismissing the case in the event a violation is not proved. Where applicable, the order shall also impose any costs of enforcement, costs imposed to secure compliance with the Village's ordinances and the costs of conducting the

administrative hearing. In cases where a violation has been proved, the order shall also include a date certain by which a violator shall make payment of any applicable fines, penalties, hearing costs, enforcement costs or costs of securing compliance. A copy of the findings, decision, and order of the Hearing Officer shall be served on the party within seven (7) calendar days after it is issued, in the same manner prescribed by this Chapter for the service of the hearing notice.

42A.20 ADMINISTRATIVE ACTION APPEAL HEARING PROCEDURES

In any case where the applicable provisions of the Village Code of Ordinances provide for a right of any person or entity to appeal any administrative action taken or any decision made by any Village personnel charged with the administration, enforcement or application of any provisions of the Village Code of Ordinances, or where such a right to appeal is required by any other provision of applicable law, such person or entity may take such an appeal by filing a written notice of appeal with the Hearing Officer and the Village personnel from whose action or decision the appeal is taken, which notice shall specify the grounds for the appeal. The notice of appeal shall be served on the Hearing Officer and the Village personnel from whose action or decision the appeal is taken by first class mail, postage prepaid, within thirty (30) calendar days from the date of the action or decision from which the appeal is taken. Service of the appeal notice sent in accordance herewith shall be complete as of the date of deposit in the United States mail. Upon receipt of the notice of appeal, the Hearing Clerk shall schedule the appeal for a hearing before the Hearing Officer at the next scheduled hearing date which is not less than ten (10) calendar days nor more than forty five (45) calendar days from the date of service of the appeal notice, and the Village personnel from whose action or decision the appeal is taken shall transmit all documents and papers used in making the decision or taking the action which is the subject of the appeal, and transmit the same to the Hearing Clerk and the Hearing Officer. A notice of appeal shall stay all proceedings in furtherance of the action or decision from which the appeal is taken, unless the Village personnel whose action or decision is the subject of the appeal certifies in writing to the Hearing Officer that based on facts set forth in the certification, a stay of proceedings would result in imminent danger to life or property, in which case the such proceedings shall not be stayed other than by a restraining order issued by the Hearing Officer or by a court of competent jurisdiction, upon notice to the parties and for good cause shown. The hearing on the appeal shall be conducted in a manner that is generally consistent with the provisions of Section 42A.17. The Hearing Officer may affirm, reverse, or modify, in whole or in part, the action or decision of the Village personnel from which the appeal is taken. No person or entity shall challenge any decision or action of any Village personnel through litigation in a court of competent jurisdiction unless or until a timely notice of appeal has been filed and prosecuted, and the Hearing Officer has rendered a final decision on the merits of the appeal.

42A.21 ORDER AND SANCTION ATTACH TO PROPERTY

In the case of a building code violation only, the order to correct a building code violation and the sanctions imposed by the Village as the result of a finding of a building code violation under this Section shall attach to the property as well as to the property owner so that a finding of a building code violation against one owner cannot be avoided by conveying or transferring the

property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision, and order of a Hearing Officer under this Chapter.

42A.22 JUDICIAL REVIEW

Any decision by a Hearing Officer that a Code violation does or does not exist, or sustaining or overruling any administrative action of the Village or any vehicle impoundment under Chapter 81 shall constitute a final determination for the purposes of judicial review under the Illinois Administrative Review Act (5 ILCS 100/1-1 *et seq.*).

42A.23 DEBT TO VILLAGE

Any fine, hearing cost, administrative or enforcement cost, cost to secure compliance penalty, or part of any fine or penalty assessed in accordance with the provisions of this Chapter and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative procedures under this Chapter and the conclusion of any judicial review procedures under the Illinois Administrative Review Act (5 ILCS 100/1-1 *et seq.*) and the expiration of any time for payment of the same provided for in any order of the Hearing Officer, shall be a debt due and owing the Village, and, as such, may be collected in accordance with applicable law and as provided in this Chapter. Without otherwise limiting the generality of the foregoing, the Village shall have the right to refer all unpaid administrative hearing fines, fees, enforcement cost, costs of compliance or penalties to the Illinois Comptroller's Office for collection pursuant to the Illinois Debt Recovery Act.

42A.24 ENFORCEMENT OF JUDGMENT

A. After expiration of the period in which judicial review under the Illinois Administrative Review Act may be sought for a final determination of a Code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the Hearing Officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

B. In any case in which a Hearing Officer finds that a violator has failed to comply with a judgment ordering the abatement of any ordinance violation or imposing any fine or other sanction as a result of an ordinance violation, any expenses incurred by the Village to enforce the judgment, including but not limited to, attorney's fees, court costs, costs related to property demolition or foreclosure after they are fixed by the Hearing Officer, shall be a debt due and owing the Village and may be collected in accordance with applicable law. Prior to any expenses being fixed by a Hearing Officer pursuant hereto, the Village shall provide notice to the violator requiring the violator's appearance at a hearing before the Hearing Officer to determine whether the violator has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven (7) calendar days nor more than forty five (45) calendar days from the date the notice is served. If notice is served by mail, the seven-day period shall begin to run on the date that the notice was deposited in the U.S. mail.

C. A lien shall be imposed on the real estate or personal estate, or both, of the violator in the amount of any debt due and owing to the Village. The lien may be recorded and enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction. No

lien may be enforced under this Chapter until it has been recorded in the manner provided by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code.

D. The fines and penalties which shall be imposed by the Hearing Office shall be as set forth from time to time in the Village Code of Ordinances. All monetary fines shall be exclusive of the cost of enforcement or the costs imposed to secure compliance with the Village Code of Ordinances.

42A.25 EVICTION, RIGHTS OF OCCUPANTS

In the case of any violation involving Village ordinances pertaining to building codes, property maintenance codes, rental property inspections and occupancy requirements, or crime free housing management, no action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a hearing held under this Chapter.

APPENDIX A—Matters Subject to Chapter 42 Administrative Hearing Procedures

Section 81.251 Post tow hearings for impounded vehicles

Chapter 90 Dogs and Cats (including but not limited to all appeals from declarations of dogs or animals as vicious, dangerous or nuisance)

Chapter 92 Refuse and Recycling Violations

Chapter 93 Nuisances

Chapter 112A Raffles

Chapter 150 Building, Electrical, Plumbing and Mechanical Codes

Chapter 151 Housing and Property Maintenance Codes

Chapter 155 Rental Property Inspections

Chapter 156 Residential Rental Property Licensing and Crime Free Housing

Chapter 159 Zoning Code

Appendix B—Minimum Fine Schedule for Selected Ordinance Violations

Violators of any of the ordinance provisions referenced in the table set forth within this Appendix B shall be subject to the minimum fines set forth therein, and to the increased minimum fines set forth there for second and subsequent violations of the indicated ordinance provisions.

Violation	First Offense	Second Offense	Each Subsequent Offense
Chapter 90.01-90.07	\$50.00	\$100.00	\$150.00
Chapter 90.15-90.29	\$50.00	\$100.00	\$150.00
Chapter 90.291-90.292	\$750.00	\$1,000.00	\$1,000.00
Chapter 90.293-90.294	\$500.00	\$500.00	\$500.00
Chapter 90.295-90.298	\$250.00	\$250.00	\$250.00
Chapter 92	\$50.00	\$100.00	\$150.00
Chapter 93	\$50.00	\$100.00	\$150.00
Chapter 150 (excluding Section 150.10/property maintenance code violations involving single family residential properties)	\$250.00	\$500.00	\$1,000.00
Chapter 151/Section 150.10 property maintenance code violations involving single family residential properties	\$50.00	\$100.00	\$150.00
Chapter 155	\$250.00	\$500.00	\$750.00
Chapter 156	\$250.00	\$500.00	\$750.00