

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 1.28 OF THE CODE OF ORDINANCES OF THE CITY OF CREST HILL, ILLINOIS.**

**WHEREAS**, pursuant to its express authority granted by the Illinois Municipal Code, the City of Crest Hill has from time to time deemed it necessary to amend its Code of Ordinances; and

**WHEREAS**, The City of Crest Hill has previously exercised said authority by adopting Chapter 1.28 Administrative Adjudication of Code Violations, and amending it from time to time; and

**WHEREAS**, The City Council has determined that it is necessary to amend the City of Crest Hill Code Chapter 1.28 Administrative Adjudication of Code Violations as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Crest Hill, Illinois, as follows:

**SECTION 1: PREAMBLE.** The preamble of this Ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

**SECTION 2: APPROVAL.** Chapter 1.28 of the Crest Hill City Code of Ordinances is hereby repealed and replaced in its entirety as follows:

**CHAPTER 1.28: ADMINISTRATIVE ADJUDICATION OF CODE VIOLATIONS**

**Section**

- 1.28.010 Adoption
- 1.28.020 Definitions
- 1.28.030 Code Hearing Department
- 1.28.040 Hearing procedures not exclusive
- 1.28.050 Instituting hearing code proceedings
- 1.28.060 Subpoenas; defaults
- 1.28.070 Continuances; representation at code hearings
- 1.28.080 Hearing; evidence
- 1.28.090 Qualifications of hearing officers
- 1.28.100 Findings, decision and order
- 1.28.110 Administrative review law to apply
- 1.28.120 Judgement on findings, decision and order
- 1.28.130 Impact on existing administrative adjudication systems

**§ 1.28.010 ADOPTION.**

The City of Crest Hill hereby adopts ILCS Ch. 65, Act 5, §§ 1-2.2-1 et seq., Division 2 in its current form and as it may be amended from time to time for adjudication of municipal code violations to the extent permitted by the Illinois Constitution.

**§ 1.28.020 DEFINITIONS.**

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CODE.** Any municipal ordinance except for:

- (1) Building Code violations that must be adjudicated pursuant to ILCS Ch. 65, Act 5, §§ 11-31.1 et seq. in its current form and as may be amended from time to time; and
- (2) Any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under the Illinois Vehicle Code, being ILCS Ch. 625, Act 5, § 6-204.

**CODE ENFORCEMENT OFFICER.** Any Crest Hill sworn police officer, community service officer, or director or department head or their respective designee(s), whose duty it is to enforce the Crest Hill Code as defined herein.

**HEARING OFFICER.** A municipal employee or an officer or agent of the City of Crest Hill, other than a law enforcement officer, whose duty it is to:

- (1) Preside at an administrative hearing called to determine whether or not a code violation exists;
- (2) Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;
- (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
- (4) Issue and sign a written finding, decision and order stating whether a code violation exists.

#### **§ 1.28.030 CODE HEARING DEPARTMENT.**

- (A) There is hereby established a Code Hearing Department in the City of Crest Hill municipal government. The function is to expedite the prosecution and correction of code violations in the manner set forth in this chapter.
- (B) The Code Hearing Department may adjudicate any violation of a municipal ordinance except for:
  - (1) Building Code violations that must be adjudicated pursuant to ILCS Ch. 65, Act 5, §§ 11-31.3, Division 31.1 in its current form and as amended from time to time; and
  - (2) Any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under the Illinois Vehicle Code, being ILCS Ch. 625, Act 5, § 6-204.

#### **§ 1.28.040 HEARING PROCEDURES NOT EXCLUSIVE.**

This chapter does not preclude Crest Hill from using other methods to enforce the provisions of this code.

#### **§ 1.28.050 INSTITUTING HEARING CODE PROCEDURES.**

- (A) When any Code Enforcement Officer finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates:

- (1) The name and address of the defendant;
- (2) The type and nature of the violation;
- (3) The date and time the violation was observed; and
- (4) The names of the witnesses of the violation.

- (B) The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall be at the next available Administrative Hearing date which is not less than 30 days after the violation is reported by the Code Enforcement Officer.
- (C) One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the Code Enforcement Officer so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served in person or by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.

#### **§ 1.28.060 SUBPOENAS; DEFAULTS.**

At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the date set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

#### **§ 1.28.070 CONTINUANCES; REPRESENTATION AT CODE HEARINGS.**

- (A) No continuances shall be authorized by the hearing officer in proceedings under this chapter except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this section shall be to the next available Administrative Hearing date.
- (B) The case for Crest Hill may be presented by an attorney designated by Crest Hill or agent or by any other Crest Hill employee, except that the case for Crest Hill shall not be presented by any employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, or any other agent or representative of the defendant.

#### **§ 1.28.080 HEARING; EVIDENCE.**

At the hearing, a hearing officer shall preside, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this chapter.

#### **§ 1.28.090 QUALIFICATIONS OF HEARING OFFICERS.**

Every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three years. Prior to conducting proceedings under this chapter, hearing officers shall successfully complete a formal training program that includes the following:

- (A) Instruction on the rules of procedure of the hearing that they will conduct;
- (B) Orientation to each subject area of the code violations that they will administer;
- (C) Observation of administrative hearings; and
- (D) Participation in hypothetical cases, including rules on evidence and issuing final orders.

#### **§ 1.28.100 FINDINGS, DECISION, AND ORDER.**

- (A) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include:
  - (1) The hearing officer's finding of fact;
  - (2) A decision whether or not a code violation exists based upon the findings of fact; and
  - (3) An order that states the sanction or dismisses the case if a violation is not proved.
- (B) A monetary sanction for a violation under this chapter shall not exceed the amount provided for in ILCS Ch. 65, Act 5, § 1-2.2 in its current form and as amended from time to time. A copy of the findings, decision, and order shall be served on the defendant within five days after it is issued. Service shall be in the same manner as the report form and summons are served under § 1.28.050. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the code, unless the corporate authorities adopting the chapter provide otherwise.

#### **§ 1.28.110 ADMINISTRATIVE REVIEW LAW TO APPLY.**

The findings, decision and order of the hearing officer shall be subject to review in the Circuit Court of Will County, and the provisions of the administrative review law, ILCS Ch. 735, Act 5, §§ 3-101 et seq., and all amendments and modifications thereto, and the rules adopted pursuant thereto are adopted and shall apply to and govern every action for the judicial review of the final findings, decision and order of a hearing officer under this chapter.

#### **§ 1.28.120 JUDGMENT ON FINDINGS, DECISION, AND ORDER.**

- (A) A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing to Crest Hill and, as such, may be collected in accordance with applicable law.
- (B) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, Crest Hill may command a proceeding in the circuit court of Will County for the purpose of obtaining a judgement of findings, decision, and order. Nothing in this section shall prevent Crest Hill from consolidating multiple findings, decisions, and orders against a person in such a proceeding. Upon commencement of the action, Crest Hill shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the

findings, decision, and order was issued in accordance with this chapter and the applicable municipal ordinances. Service of the summons and a copy of the petition may be by any method provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision and order does not exceed \$2,500. If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this chapter and the applicable municipal ordinance and that the defendant had an opportunity for a hearing under this ordinance and for judicial review as provided in this chapter:

- (1) The court shall render judgement in favor of Crest Hill and against the defendant for the amount indicated in the findings, decision, and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money;
- (2) The court may also issue any other orders and injunctions that are requested by Crest Hill to enforce the order of the hearing officer to correct a code violation.

#### **§ 1.28.130 IMPACT ON EXISTING ADMINISTRATIVE ADJUDICATION SYSTEMS.**

This chapter shall not affect the validity of systems of administrative adjudication that were authorized by state law, including the City of Crest Hill ordinances, and in existence prior to the effective date of this chapter.

[Left Intentionally Blank]

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

	Aye	Nay	Absent	Abstain
Alderwoman Jennifer Methvin	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderperson Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

\_\_\_\_\_  
Christine Vershay-Hall, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Raymond R. Soliman, Mayor

ATTEST:

\_\_\_\_\_  
Christine Vershay-Hall, City Clerk