

TITLE 1: GENERAL PROVISIONS

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CHAPTER 1.01: CODE ADOPTION¹

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1.01.010 Adoption

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§ 1.01.010 ADOPTION.

The code of general ordinances of the city of Crest Hill, Illinois published by American Legal Publishing Company is adopted as the Crest Hill Municipal Code of 1993.
(’78 Code, § 1.01.010)

§ 1.01.020 VALIDITY.

All ordinances which are reflected in the Crest Hill Municipal Code of 1993 are repealed as they stand in their original form and are valid only in the form in which they appear in the Crest Hill Municipal Code of 1993.
(’78 Code, § 1.01.020)

¹For statutory provisions regarding the adoption of codes and public records, see ILCS Ch. 65, Act 5, § 1-3-2 et seq.; for provisions concerning the revision and publication of ordinances in book form, see ILCS Ch. 65, Act 5, § 1-2-3; for provisions concerning adoption of penalty clauses, see ILCS Ch. 65, Act 5, § 1-3-4.

CHAPTER 1.04: GENERAL PROVISIONS¹

Section

- 1.04.010 Definitions
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§ 1.04.010 DEFINITIONS.

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

CITY. The City of Crest Hill, Illinois.

COUNCIL or **CITY COUNCIL.** The City Council of the City of Crest Hill.

CORPORATE LIMITS or **CITY LIMITS.** The then legal boundaries of the city.

THE COUNTY or **THIS COUNTY.** The county of Will in the state of Illinois.

MAYOR. The Mayor of the city.

MONTH. A calendar month.

OATH. Includes an affirmation in all cases in which by law, an affirmation may be substituted for an oath, and in such cases **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OWNER. As applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or a part of such building or land.

PERSON. Extends and is applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY. Includes every species of property except real property, as defined in this section.

¹For similar provisions, see ILCS Ch. 5, Act 70, § 0.01 et seq.

PRECEDING and **FOLLOWING**. Next before and next after, respectively.

PROPERTY. Includes real and personal property.

REAL PROPERTY. Includes lands, tenements and hereditaments.

SHALL is mandatory.

SIDEWALK. Any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

STREET. Construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city and includes all areas thereof embraced between the property lines and dedicated to the public use.

TENANT or **OCCUPANT**. As applied to a building or land, includes any person who holds a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

WRITTEN or **IN WRITING**. Includes any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year.
(’78 Code, § 1.04.010)

§ 1.04.020 REFERENCE TO OFFICERS.

Whenever any office is referred to by title, such as “clerk,” “comptroller,” “chief of police,” and the like, such reference shall be construed as if followed by the words “of the City of Crest Hill.”
(’78 Code, § 1.04.020)

§ 1.04.030 NONTECHNICAL AND TECHNICAL WORDS.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
(’78 Code, § 1.04.030)

§ 1.04.040 GENDER.

A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
(’78 Code, § 1.04.040)

§ 1.04.050 TENSE.

Words used in the past or present tense include the future as well as the past and present.
(‘78 Code, § 1.04.050)

§ 1.04.060 COMPUTATION OF TIME.

Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be held shall not be counted.
(‘78 Code, § 1.04.060)

§ 1.04.070 MARGINAL NOTES IN TITLES, CHAPTERS AND SECTIONS.

The marginal notes of the several titles, chapters and sections of this code are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of the several titles, chapters and sections of this Code.
(‘78 Code, § 1.04.070)

CHAPTER 1.08: ORDINANCES

Section

- 1.08.010 Amendments
- 1.08.020 Alterations to code; unlawful when
- 1.08.030 Repeal; effect
- 1.08.040 Severability

§ 1.08.010 AMENDMENTS.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code, or in the case of repealed chapters, sections and divisions or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the City Council.

('78 Code, § 1.08.010)

§ 1.08.020 ALTERATIONS TO CODE; UNLAWFUL WHEN.

It is unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

('78 Code, § 1.08.020)

§ 1.08.030 REPEAL; EFFECT.

(A) When any ordinance repealing a former ordinance, clause or provision is itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it is therein so expressly provided.

(B) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

('78 Code, § 1.08.030)

§ 1.08.040 SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this Code of Ordinances are severable, and if any phrase, clause, sentence, paragraph or section of this Code is declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such constitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.
(78 Code, § 1.08.040)

CHAPTER 1.12: GENERAL PENALTY¹

Section

- 1.12.010 Designated
- 1.12.020 Administrative fee for failure to obtain a license or permit by due date
- 1.12.030 Restitution

§ 1.12.010 DESIGNATED.

Whenever in this Code of Ordinances or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be fined not less than \$75, but not more than \$750. Each day any violation of any provisions of this code or of any ordinance continues constitutes a separate offense. The provision for imprisonment under this section shall not apply to those violations set forth in ILCS Ch. 65, Act. 5, § 1-2-1.1. ('78 Code, § 1.12.010) (Am. Ord. 998, passed 7-1-96)

§ 1.12.020 ADMINISTRATIVE FEE FOR FAILURE TO OBTAIN A LICENSE OR PERMIT BY DUE DATE.

Whenever in this Code of Ordinances or in any ordinance of the city an individual or business is required to obtain a license or a permit by a date certain or before an event occurs, an additional administrative fee of \$50 shall be imposed by the City Clerk for failure to obtain such license or permit pursuant to the terms of this Code. ('78 Code, § 1.12.020) (Ord. 832, passed - -92; Am. Ord. 887, passed 7-19-93)

§ 1.12.030 RESTITUTION.

In all cases, the Court shall, at sentencing, determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of violating any ordinance or provision of this Code of Ordinances or any code of ordinances of the city. If the Court determines that an order directing the offender to make restitution is appropriate, the Court shall fix the amount of restitution to be paid in cash, allowing a credit for any property that can be returned in kind, and a credit for property damages that can be repaired or restored by the defendant. After granting such a credit, the Court shall assess the actual out-of-pocket expenses, losses and damages suffered by the victim. (Ord. 882, passed 5-17-93)

¹For statutory provisions authorizing municipalities to impose fines up to \$500 and imprisonment up to six months for violations of municipal ordinances, see ILCS Ch. 65, Act 5, §§ 1-2-1 and 1-2-1.1.

CHAPTER 1.14: RETURNED CHECKS

Section

1.14.010	Returned check defined
1.14.020	Fee

§ 1.14.010 RETURNED CHECK DEFINED.

For the purposes of this chapter, a returned check is any personal or business check which is given in payment for services, licenses or bills owed to the city which is returned to the city unpaid by the bank on which the check is drawn.

(78 Code, § 1.14.010) (Ord. 843, passed - -92)

§ 1.14.020 FEE.

Whenever a check is returned to the city unpaid, the issuer of the check shall pay an additional \$25 administrative fee to the city. If the returned check was paid to the city for the purpose of establishing or reestablishing water or sewer services, such service shall be discontinued until such time as the returned check plus the \$25 administrative fee are paid in full. Where a returned check is paid by an issuance of a new check, the fee shall not be deemed paid until the new check is honored by the bank on which it is drawn.

(78 Code, § 1.14.020) (Ord. 843, passed - -92)

CHAPTER 1.16: RIGHT OF ENTRY

Section

- 1.16.010 Authority
- 1.16.020 Procedure
- 1.16.030 Applicability of provisions

§ 1.16.010 AUTHORITY.

Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall effect entry in the manner provided in § 1.16.020, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.
(’78 Code, § 1.16.010)

§ 1.16.020 PROCEDURE.

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry, and may apply to any court of competent jurisdiction for such remedy.
(’78 Code, § 1.16.020)

§ 1.16.030 APPLICABILITY OF PROVISIONS.

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether heretofore or hereafter adopted, it is not a violation of this chapter to refuse or fail to consent to an entry for inspection for which a warrant is required to be obtained.
(’78 Code, § 1.16.030)

CHAPTER 1.20: ADMINISTRATIVE CITATIONS

Section

- 1.20.010 Definition
- 1.20.020 Administrative citation
- 1.20.025 Administration of citation procedures
- 1.20.030 Compromise and payment of citation
- 1.20.040 Prosecution upon non-compliance
- 1.20.050 Exception

§ 1.20.010 DEFINITION.

As used in this chapter, **ADMINISTRATIVE CITATION** is defined as a written ticket served upon a person who has offended one or more provisions of the code where the sworn police officer or the Code Enforcement Officer detecting the offense or enforcing the relevant code provision elects not to arrest the offender and issue a formal complaint, but instead elects to issue the citation and invoke administrative enforcement without initially resorting to court process.
(Ord. 1110, passed 10-18-99; Am. Ord. 1273, passed 11-18-02)

§ 1.20.020 ADMINISTRATIVE CITATION.

(A) In lieu of initial prosecution of a violation of any provision of this code (other than parking tickets), any person accused of such a violation may be issued an administrative citation which shall require the violator to:

(1) Pay and administrative fee to the city within ten days of issuance of the citation, as a settlement and compromise of the claim against the violator, as set out below; and

(2) Correct, repair, or rectify any condition which constitutes a continuing violation of a city ordinance or regulation within the period specified in the administrative citation.

(B) The administrative citation shall be issued as a courtesy to the violator in lieu of instituting a prosecution for the alleged violation. If the person accused of the violation fails to settle and pay the claim within the period specified in the administrative citation, further administrative and judicial action by the city shall be in accordance with §§ 1.20.030 and 1.20.040 herein. The Chief of Police is authorized to promulgate administrative regulations to implement the administrative ticket program, including production of an appropriate form citation to be issued to the violator.
(Ord. 1110, passed 10-18-99)

§ 1.20.025 ADMINISTRATION OF CITATION PROCEDURES.

(A) Sworn police officers shall be empowered to administer administrative citations for all violations of this code and the Crest Hill Zoning Ordinance, being Ord. No. 789, amended by Ord. No. 1151. The

Director of Public Works of his/her designee shall be empowered to issue administrative citations relating to building code violations, builders and contractors license and/or permit violations, zoning ordinance violations, violations of any rental property or other real property inspection provisions contained in this code, public nuisances, illegally stored junk and illegally stored vehicles. The Code Enforcement Officer shall be empowered to issue administrative citations relating only to zoning violations.

(B) Any administrative citations issued by a sworn police officer will proceed for administration purposes through the Police Department. Any matter related to administrative citations issued by the Code Enforcement Officer shall proceed through the Building Department and the Building Department shall keep separate records concerning the administration of said code violations. Provided, however, once there has been failure or refusal of the violator to proceed with compromise and payment of a citation as specified in § 1.20.030, all further prosecution for noncompliance through the local court system shall fall under the administration of the Police Department under § 1.20.040.

(C) Form citations under § 1.20.020(B) shall be uniform as between the Police Department and the Building Department, and the Police Department shall provide standard form citations to the Building Department for issuance of the administrative citations. The regulations of the Chief of Police with respect to administrative tickets shall apply to the Building Department to the extent that they do not conflict with the provisions of this chapter.

(Ord. 1273, passed 11-18-02; Am. Ord. 1637, passed 8-5-13)

§ 1.20.030 COMPROMISE AND PAYMENT OF CITATION.

(A) Within ten days of issuance of the citation, or the next business day if the tenth day falls on a Saturday, Sunday of holiday observed by the city, the violator may settle and compromise the citation by paying an administrative fee of \$50 to the City Clerk.

(B) If the violator does not pay within the ten days set out in subsection (A) above, he or she may still settle and compromise the citation by payment of an enhanced administrative fee of \$100 to the City Clerk, but only within the first 30 days after issuance of the citation, or the next business day if the thirtieth day falls on a Saturday, Sunday or holiday observed by the city.

(Ord. 1110, passed 10-18-99; Am. Ord. 1273, passed 11-18-02)

§ 1.20.040 PROSECUTION UPON NON-COMPLIANCE.

If the recipient of the citation does not pay the administrative fee within the time period set out in § 1.20.030(B) above, a Complaint, Uniform Traffic Ticket, or Notice to Appear will be issued by the Police Department for said code or ordinance violation, and the offender shall be subject to the fines and penalties as set forth in the applicable provisions of this code. The Police Department shall issue and serve upon the offender a Summons to appear in the applicable court at a specific date and time, in accordance with the applicable Supreme Court rules and local Rules of the Court.

(Ord. 1110, passed 10-18-99)

§ 1.20.050 EXCEPTION.

This chapter shall not govern the issuance of citations with respect to parking tickets. Further, this chapter shall not apply to any provisions of the Illinois Motor Vehicle Code which may be required by that code to be prosecuted in court through issuance of a uniform traffic citation.

(Ord. 1110, passed 10-18-99)

**CHAPTER 1.24: HEARING PROCEDURES FOR ENFORCEMENT OF
BUILDING, HOUSING AND ZONING CODE VIOLATIONS**

Section

- 1.24.010 Adoption
- 1.24.020 Definitions
- 1.24.030 Code Hearing Department
- 1.24.040 Code hearing procedure
- 1.24.050 Subpoenas
- 1.24.060 Default
- 1.24.070 Continuances and representation at code hearings
- 1.24.080 Evidence at hearing
- 1.24.090 Retaliatory action against occupants prohibited
- 1.24.100 Defenses to code violations
- 1.24.110 Findings, decision, order of hearing officer
- 1.24.120 Fines and sanctions
- 1.24.130 Administrative review law to apply
- 1.24.140 Disposition of violations
- 1.24.150 Sanctions and findings to run with the property

§ 1.24.010 ADOPTION.

The City of Crest Hill hereby adopts ILCS Ch. 65, Act 5, §§ 11-31.1-1 et seq. in its current form and as it may be amended from time to time.
(Ord. 1509, passed 11-16-09)

§ 1.24.020 DEFINITIONS.

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

CODE. Any Crest Hill ordinance, law, housing, building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in Crest Hill.

HEARING OFFICER. A Crest Hill employee or an officer or agent of Crest Hill, other than a property inspector or 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 the property inspector, the building owner and all interested parties relevant to the existence of a code violation;

(3) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;

(4) Issue and sign a written finding, decision and order stating whether a code violation exists.

PROPERTY OWNER. The legal or beneficial owner of a structure.
(Ord. 1509, passed 11-16-09; Am. Ord. 1637, passed 8-5-13)

§ 1.24.030 CODE HEARING DEPARTMENT.

(A) There is hereby established a Code Hearing Department the function of which is to expedite the presentation and correction of code violations in the manner set out in ILCS Ch.65, Act 5, §§ 11-31.1 et seq. and this chapter.

(B) The adoption of this chapter does not preclude Crest Hill from using other lawful methods to enforce the provision of its code.
(Ord. 1509, passed 11-16-09)

§ 1.24.040 CODE HEARING PROCEDURE.

(A) When the Director of Public Works or his/her designee finds a code violation while inspecting a property, he or she shall note the violation on a multiple copy violation notice and report form, indicating the name and address of the property owner, the type and nature of the violation, the date and time the violation was observed, the names of witnesses to the violation, and the address of the property where the violation is observed.

(B) The violation report form shall be forwarded by the Director of Public Works or his/her designee to the Code Hearing Department where a docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 days nor more than 40 days after the violation is reported by the Director of Public Works or his/her designee.

(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 Director of Public Works or his/her designee so that he 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 by first class mail on the property owner along with a summons commanding the property owner to appear at the hearing. (If the municipality in which the property is situated has an ordinance requiring property owners to register with the municipality, service may be made on the property owner by mailing the report and summons to the property owner's address registered with the municipality.) If the name of the property owner of the structure cannot be ascertained or if service on the property owner cannot be made by mail, service may be made on the property owner by posting or mailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.
(Ord. 1509, passed 11-16-09; Am. Ord. 1637, passed 8-5-13)

§ 1.24.050 SUBPOENAS.

At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the Director of Public Works or his/her designee or the attorney for Crest Hill, or the property owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing.

(Ord. 1509, passed 11-16-09; Am. Ord. 1637, passed 8-5-13)

§ 1.24.060 DEFAULT.

If on the date set for hearing the property owner or his attorney fails to appear, the hearing officer may find the property owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

(Ord. 1509, passed 11-16-09)

§ 1.24.070 CONTINUANCES AND REPRESENTATION AT CODE HEARINGS.

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 owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this section shall not exceed 25 days. The case for Crest Hill may be presented by the Director of Public Works or his/her designee, by any other Crest Hill employee or agent or by an attorney designated by Crest Hill. However, in no event shall the case for Crest Hill be presented by an employee of the Code Hearing Department. The case for the property owner may be presented by the owner, his or her attorney, or any other agent or representative.

(Ord. 1509, passed 11-16-09; Am. Ord. 1637, passed 8-5-13)

§ 1.24.080 EVIDENCE AT HEARING.

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

(Ord. 1509, passed 11-16-09)

§ 1.24.090 RETALIATORY ACTION AGAINST OCCUPANTS PROHIBITED.

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 code violation hearing.

(Ord. 1509, passed 11-16-09)

§ 1.24.100 DEFENSES TO CODE VIOLATIONS.

It shall be a defense to a code violation charge under this chapter if the property owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:

(A) The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;

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(B) The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the property owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations;

(C) An occupant or resident of the dwelling has refused entry to the property owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.
(Ord. 1509, passed 11-16-09)

§ 1.24.110 FINDINGS, DECISION, ORDER OF HEARING OFFICER.

(A) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing 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 the hearing officer's finding of fact, a decision whether or not a code violation exists based upon the findings of facts, and an order ordering the property owner to correct the violation or dismissing the case in the event a violation is not proved.

(B) If a code violation is proved, the order may also impose the sanctions that are provided in the code for the violation proved. A copy of the findings, decision, and order shall be served on the property owner within five days after they are issued; service shall be in the same manner as the report form and summons are served pursuant to § 1.24.040(C). 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.
(Ord. 1509, passed 11-16-09)

§ 1.24.120 FINES AND SANCTIONS.

The City of Crest Hill adopts by reference all current and future local ordinances, and those current and future provisions of ILCS Ch. 65, Act 5, § 11-31.1 et seq. governing property or zoning codes applicable to structures or properties relative to construction, plumbing, heating, electrical, fire prevention, sanitation and other health and safety standards in Crest Hill, for its enforcement and adjudication within the geographical boundaries of Crest Hill.
(Ord. 1509, passed 11-16-09)

§ 1.24.130 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, being 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.
(Ord. 1509, passed 11-16-09)

§ 1.24.140 DISPOSITION OF VIOLATIONS.

(A) Any 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 judicial review under the administrative review law may be sought for a final determination of the code violation, Crest Hill may commence a proceeding in the Circuit Court of Will County for purposes of obtaining a judgment on the 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 actions, 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 applicable state law. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail return receipt requested, provided that the total amounts of fines, other sanctions and costs imposed by the findings, decision and order do not exceed \$2,500.

(Ord. 1509, passed 11-16-09)

§ 1.24.150 SANCTIONS AND FINDINGS TO RUN WITH THE PROPERTY.

The order to correct a code violation and the sanctions imposed by Crest Hill as the result of a finding of a code violation under this chapter shall attach to the property as well as to the property owner so that a finding of a 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.

(Ord. 1509, passed 11-16-09)

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 Judgment 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.
(Ord. 1510, passed 11-16-09)

§ 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.

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 violations 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.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

§ 1.28.050 INSTITUTING HEARING CODE PROCEEDINGS.

(A) When a police officer or other individual authorized to issue a code violation 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 not be less than 30 nor more than 40 days after the violation is reported.

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(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 individual representing the City of Crest Hill in the case 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 by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

§ 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 chapter shall not exceed 25 days.

(B) The case for Crest Hill may be presented by an attorney designated by Crest Hill 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, his or her attorney, or any other agent or representative of the defendant.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

§ 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 findings of fact;
- (2) A decision of 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 that 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 this chapter provide otherwise.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

§ 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 judgment 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 judgment 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.
(Ord. 1510, passed 11-16-09)

§ 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.
(Ord. 1510, passed 11-16-09)

