

1 AN ACT concerning local government.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Section 5-41020 as follows:

6 (55 ILCS 5/5-41020)

7 Sec. 5-41020. Instituting proceedings.

8 (a) When a code enforcement officer observes a code
9 violation, the officer shall note or, in the case of an
10 animal control violation, the code enforcement officer may
11 respond to the filing of a formal complaint by noting the
12 violation on a violation notice and report form, indicating
13 the following: the name and address of the respondent, if
14 known; the name, address, and state vehicle registration
15 number of the waste hauler who deposited the waste, if
16 applicable; the type and nature of the violation; the date
17 and time the violation was observed; the names of witnesses
18 to the violation; and the address of the location or property
19 where the violation is observed.

20 (b) The violation notice and report form shall contain a
21 file number and a hearing date noted by the code enforcement
22 officer in the blank spaces provided for that purpose on the
23 form. The violation notice and report shall state that
24 failure to appear at the hearing on the date indicated may
25 result in a determination of liability for the cited
26 violation and the imposition of fines and assessment of costs
27 as provided by the applicable county ordinance. The
28 violation notice and report shall also state that upon a
29 determination of liability and the exhaustion of or failure
30 to exhaust procedures for judicial review, any unpaid fines
31 or costs imposed will constitute a debt due and owed to the

1 county.

2 (c) A copy of the violation notice and report form shall
3 be served on the respondent either personally or by first
4 class mail, postage prepaid, sent to the address of the
5 respondent. If the name of the respondent property owner
6 cannot be ascertained or if service on the respondent cannot
7 be made by mail, service may be made on the respondent
8 property owner by posting, not less than 20 days before the
9 hearing is scheduled, a copy of the violation notice and
10 report form in a prominent place on the property where the
11 violation is found. If the violation notice and report form
12 requires the respondent to answer within a certain amount of
13 time, the county must reply to the answer within the same
14 amount of time afforded to the respondent.

15 (Source: P.A. 90-517, eff. 8-22-97.)

16 Section 10. The Illinois Municipal Code is amended by
17 changing Sections 1-2.1-5 and 1-2.2-20 as follows:

18 (65 ILCS 5/1-2.1-5)

19 Sec. 1-2.1-5. Administrative hearing proceedings.

20 (a) Any ordinance establishing a system of
21 administrative adjudication, pursuant to this Division, shall
22 afford parties due process of law, including notice and
23 opportunity for hearing. Parties shall be served with process
24 in a manner reasonably calculated to give them actual notice,
25 including, as appropriate, personal service of process upon a
26 party or its employees or agents; service by mail at a
27 party's address; or notice that is posted upon the property
28 where the violation is found when the party is the owner or
29 manager of the property. If the notice requires the
30 respondent to answer within a certain amount of time, the
31 municipality must reply to the answer within the same amount
32 of time afforded to the respondent.

1 (b) Parties shall be given notice of an adjudicatory
2 hearing which includes the type and nature of the code
3 violation to be adjudicated, the date and location of the
4 adjudicatory hearing, the legal authority and jurisdiction
5 under which the hearing is to be held, and the penalties for
6 failure to appear at the hearing.

7 (c) Parties shall be provided with an opportunity for a
8 hearing during which they may be represented by counsel,
9 present witnesses, and cross-examine opposing witnesses.
10 Parties may request the hearing officer to issue subpoenas to
11 direct the attendance and testimony of relevant witnesses and
12 the production of relevant documents. Hearings shall be
13 scheduled with reasonable promptness, provided that for
14 hearings scheduled in all non-emergency situations, if
15 requested by the defendant, the defendant shall have at least
16 15 days after service of process to prepare for a hearing.
17 For purposes of this subsection (c), "non-emergency
18 situation" means any situation that does not reasonably
19 constitute a threat to the public interest, safety, or
20 welfare. If service is provided by mail, the 15-day period
21 shall begin to run on the day that the notice is deposited in
22 the mail.

23 (Source: P.A. 90-516, eff. 1-1-98.)

24 (65 ILCS 5/1-2.2-20)

25 Sec. 1-2.2-20. Instituting code hearing proceedings. When
26 a police officer or other individual authorized to issue a
27 code violation finds a code violation to exist, he or she
28 shall note the violation on a multiple copy violation notice
29 and report form that indicates (i) the name and address of
30 the defendant, (ii) the type and nature of the violation,
31 (iii) the date and time the violation was observed, and (iv)
32 the names of witnesses to the violation.

33 The violation report form shall be forwarded to the code

1 hearing department where a docket number shall be stamped on
2 all copies of the report and a hearing date shall be noted in
3 the blank spaces provided for that purpose on the form. The
4 hearing date shall not be less than 30 nor more than 40 days
5 after the violation is reported.

6 One copy of the violation report form shall be maintained
7 in the files of the code hearing department and shall be part
8 of the record of hearing, one copy of the report form shall
9 be returned to the individual representing the municipality
10 in the case so that he or she may prepare evidence of the
11 code violation for presentation at the hearing on the date
12 indicated, and one copy of the report form shall be served by
13 first class mail to the defendant along with a summons
14 commanding the defendant to appear at the hearing. If the
15 violation report form requires the respondent to answer
16 within a certain amount of time, the municipality must reply
17 to the answer within the same amount of time afforded to the
18 respondent.

19 (Source: P.A. 90-777, eff. 1-1-99.)