

SB3406



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3406

Introduced 2/7/2012, by Sen. Dave Syverson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-19.2-4

from Ch. 24, par. 11-19.2-4

65 ILCS 5/11-31.1-4

from Ch. 24, par. 11-31.1-4

Amends the Illinois Municipal Code. Provides that for sanitation and building code violations, a code inspector shall include in the violation notice the title and citation of the code provision alleged to have been violated and a description of the circumstances present that constitute the alleged violation. Effective immediately.

LRB097 18269 KMW 63495 b

A BILL FOR

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 Illinois Municipal Code is amended by
5 changing Sections 11-19.2-4 and 11-31.1-4 as follows:

6 (65 ILCS 5/11-19.2-4) (from Ch. 24, par. 11-19.2-4)

7 Sec. 11-19.2-4. Instituting code hearing proceedings. When
8 a sanitation inspector observes or otherwise discovers a code
9 violation, he shall note the violation on a violation notice
10 and report form, indicating the name and address of the
11 respondent, if known, the name, address and State vehicle
12 registration number of the waste hauler who deposited the
13 waste, if applicable, the title and citation of the code
14 provision alleged to have been violated, a description of the
15 circumstances present that constitute the alleged violation
16 ~~the type and nature of the violation~~, the date and time the
17 violation was observed, the names of witnesses to the
18 violation, and the address of the location or property where
19 the violation is observed.

20 The violation notice and report form shall contain a file
21 number and a hearing date noted by the sanitation inspector in
22 the blank spaces provided for that purpose on the form. The
23 violation notice and report form shall state that failure to

1 appear at the hearing on the date indicated may result in a
2 determination of liability for the cited violation and the
3 imposition of fines and assessment of costs as provided by the
4 applicable municipal ordinance. The violation notice and
5 report form shall also state that upon a determination of
6 liability and the exhaustion or failure to exhaust procedures
7 for judicial review, any unpaid fines or costs imposed will
8 constitute a debt due and owing the municipality.

9 A copy of the violation notice and report form shall be
10 served upon the respondent either personally or by first class
11 mail, postage prepaid, and sent to the address of the
12 respondent. If the municipality has an ordinance requiring all
13 or certain property owners to register with the municipality,
14 service may be made on the respondent property owner by mailing
15 the violation notice and report to the owner's address
16 registered with the municipality. If the name of the respondent
17 property owner cannot be ascertained or if service on such
18 respondent cannot be made by mail, service may be made on the
19 respondent property owner by posting a copy of the violation
20 notice and report form in a prominent place upon the property
21 where the violation is found, not less than 10 days before the
22 hearing is scheduled.

23 (Source: P.A. 86-1364.)

24 (65 ILCS 5/11-31.1-4) (from Ch. 24, par. 11-31.1-4)

25 Sec. 11-31.1-4. Instituting code hearing proceedings. When

1 a building inspector finds a code violation while inspecting a
2 structure, he shall note the violation on a multiple copy
3 violation notice and report form, indicating the name and
4 address of the structure owner, the title and citation of the
5 code provision alleged to have been violated, a description of
6 the circumstances present that constitute the alleged
7 violation ~~the type and nature of the violation~~, the date and
8 time the violation was observed, the names of witnesses to the
9 violation, and the address of the structure where the violation
10 is observed.

11 The violation report form shall be forwarded by the
12 building inspector to the Code Hearing Department where a
13 Docket number shall be stamped on all copies of the report, and
14 a hearing date noted in the blank spaces provided for that
15 purpose on the form. The hearing date shall not be less than 30
16 nor more than 40 days after the violation is reported by the
17 building inspector.

18 One copy of the violation report form shall be maintained
19 in the files of the Code Hearing Department and shall be part
20 of the record of hearing, one copy of the report form shall be
21 returned to the building inspector so that he may prepare
22 evidence of the code violation for presentation at the hearing
23 on the date indicated, and one copy of the report form shall be
24 served by first class mail on the owner of the structure, along
25 with a summons commanding the owner to appear at the hearing.
26 If the municipality in which the structure is situated has an

1 ordinance requiring property owners to register with the
2 municipality, service may be made on the owner by mailing the
3 report and summons to the owner's address registered with the
4 municipality. If the name of the owner of the structure cannot
5 be ascertained or if service on the owner cannot be made by
6 mail, service may be made on the owner by posting or nailing a
7 copy of the violation report form on the front door of the
8 structure where the violation is found, not less than 20 days
9 before the hearing is scheduled.

10 (Source: P.A. 86-1039.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.