



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0655

Introduced 1/28/2005, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-41020
65 ILCS 5/1-2.1-5
65 ILCS 5/1-2.2-20

Amends the Counties Code and the Illinois Municipal Code. Provides that, if a notice of an ordinance violation requires the respondent to answer within a certain amount of time, the county or municipality must reply to the answer within the same amount of time.

LRB094 04104 MKM 34124 b

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 Section
5 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 animal
10 control violation, the code enforcement officer may respond to
11 the filing of a formal complaint by noting the violation on a
12 violation notice and report form, indicating the following: the
13 name and address of the respondent, if known; the name,
14 address, and state vehicle registration number of the waste
15 hauler who deposited the waste, if applicable; the type and
16 nature of the violation; the date and time the violation was
17 observed; the names of witnesses to the violation; and the
18 address of the location or property where the violation is
19 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 failure
24 to appear at the hearing on the date indicated may result in a
25 determination of liability for the cited violation and the
26 imposition of fines and assessment of costs as provided by the
27 applicable county ordinance. The violation notice and report
28 shall also state that upon a determination of liability and the
29 exhaustion of or failure to exhaust procedures for judicial
30 review, any unpaid fines or costs imposed will constitute a
31 debt due and owed to the county.

32 (c) A copy of the violation notice and report form shall be

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

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

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

16 (65 ILCS 5/1-2.1-5)

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

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

31 (b) Parties shall be given notice of an adjudicatory
32 hearing which includes the type and nature of the code
33 violation to be adjudicated, the date and location of the
34 adjudicatory hearing, the legal authority and jurisdiction

1 under which the hearing is to be held, and the penalties for
2 failure to appear at the hearing.

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

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

19 (65 ILCS 5/1-2.2-20)

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

28 The violation report form shall be forwarded to the code
29 hearing department where a docket number shall be stamped on
30 all copies of the report and a hearing date shall be noted in
31 the blank spaces provided for that purpose on the form. The
32 hearing date shall not be less than 30 nor more than 40 days
33 after the violation is reported.

34 One copy of the violation report form shall be maintained
35 in the files of the code hearing department and shall be part

1 of the record of hearing, one copy of the report form shall be
2 returned to the individual representing the municipality in the
3 case so that he or she may prepare evidence of the code
4 violation for presentation at the hearing on the date
5 indicated, and one copy of the report form shall be served by
6 first class mail to the defendant along with a summons
7 commanding the defendant to appear at the hearing. If the
8 violation report form requires the respondent to answer within
9 a certain amount of time, the municipality must reply to the
10 answer within the same amount of time afforded to the
11 respondent.

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