



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0726

Introduced 2/7/2007, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-41005
55 ILCS 5/5-41010

Amends the Counties Code. Provides that a county board in any county (instead of a county having a population of less than 3,000,000) may establish a code hearing unit. Provides that the code hearing unit may also be used for the adjudication of county ordinances pertaining to vice, drugs, or vehicles.

LRB095 07092 HLH 27217 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 5-41005 and 5-41010 as follows:

6 (55 ILCS 5/5-41005)

7 Sec. 5-41005. Definitions. In this Division 5-41, unless
8 the context requires otherwise:

9 "Code" means any county ordinance that pertains to or
10 regulates any of the following: animal control; the definition,
11 identification, and abatement of public nuisances; vice;
12 drugs; vehicles; the accumulation, disposal, and
13 transportation of garbage, refuse, and other forms of solid
14 waste; the construction and maintenance of buildings and
15 structures; sanitation practices; or zoning.

16 "Code enforcement officer" means a county employee
17 authorized to issue citations for county code violations and to
18 conduct inspections of public or private real property to
19 determine whether code violations exist. However, nothing in
20 this Division 5-41 shall be construed to allow for
21 administrative adjudication of an ordinance violation in the
22 case where a State statute or administrative rule provides for
23 a specific method or procedure to be followed, other than

1 administrative adjudication, in enforcing a county ordinance.

2 "Hearing officer" means a person other than a code
3 enforcement officer or law enforcement officer having the
4 following powers and duties:

5 (1) To preside at an administrative hearing called to
6 determine whether a code violation exists.

7 (2) To hear testimony and accept evidence from the code
8 enforcement officer, the respondent, and all interested
9 parties relevant to the existence of a code violation.

10 (3) To preserve and authenticate the record of the
11 hearing and all exhibits and evidence introduced at the
12 hearing.

13 (4) To issue and sign written findings and a decision
14 and order stating whether a code violation exists.

15 (5) To impose penalties consistent with applicable
16 code provisions and to assess costs reasonably related to
17 instituting the proceedings upon finding the respondent
18 liable for the charged violation. In no event, however,
19 shall the hearing officer have the authority to impose a
20 penalty of incarceration.

21 "Property owner" means the legal or beneficial owner of an
22 improved or unimproved parcel of real estate.

23 "Respondent" means a property owner, waste hauler, or other
24 person charged with liability for an alleged code violation and
25 the person to whom the notice of violation is directed.

26 "Solid waste" means demolition materials, food and

1 industrial processing wastes, garden trash, land cleaning
2 waste, mixed refuse, non-combustible refuse, and trash as
3 defined in the Solid Waste Disposal District Act.

4 "Waste hauler" means any person owning or controlling any
5 vehicle used to carry or transport garbage, refuse, or other
6 forms of solid waste.

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

8 (55 ILCS 5/5-41010)

9 Sec. 5-41010. Code hearing unit. The county board in any
10 county ~~having a population of less than 3,000,000 inhabitants~~
11 may establish by ordinance a code hearing unit within an
12 existing code enforcement agency or as a separate and
13 independent agency in county government. A county may establish
14 a code hearing unit and administrative adjudication process
15 only under the provisions of this Division 5-41. The function
16 of the code hearing unit shall be to expedite the prosecution
17 and correction of code violations as provided in this Division
18 5-41.

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