



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5972

Introduced 2/10/2010, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-41012 new
55 ILCS 5/5-41020

Amends the Counties Code. Provides that the county board of any county that establishes a code hearing unit may, by ordinance, establish a fine schedule for code violations. The fine schedule must include (i) a determinate fine for each code violation that may be voluntarily paid by a respondent prior to his or her hearing date and (ii) the fine that may otherwise be imposed for each code violation. Requires that under specified circumstances a violation notice and report form contain the amount of any fine imposed pursuant to a schedule of fines approved by the county board. Provides that, in lieu of a personal appearance at a hearing, a county may provide for the voluntary payment of a determinate fine in accordance with a schedule of fines approved by ordinance. Effective immediately.

LRB096 19979 RLJ 35460 b

FISCAL NOTE ACT
MAY APPLY

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 Counties Code is amended by changing Section
5 5-41020 and adding Section 5-41012 as follows:

6 (55 ILCS 5/5-41012 new)

7 Sec. 5-41012. Fine schedule. The county board of any county
8 that establishes a code hearing unit pursuant to this Division
9 5-41 may, by ordinance, establish a fine schedule for code
10 violations. The fine schedule must include (i) a determinate
11 fine for each code violation that may be voluntarily paid by a
12 respondent prior to his or her hearing date and (ii) the fine
13 that may otherwise be imposed for each code violation. The
14 amount of each fine must be based upon the nature of the
15 offense and the number of previous code violations a respondent
16 was convicted of committing for the same or a related offense.

17 (55 ILCS 5/5-41020)

18 Sec. 5-41020. Instituting proceedings.

19 (a) When a code enforcement officer observes a code
20 violation, the officer shall note or, in the case of an animal
21 control violation, the code enforcement officer may respond to
22 the filing of a formal complaint by noting the violation on a

1 violation notice and report form, indicating the following: the
2 name and address of the respondent, if known; the name,
3 address, and state vehicle registration number of the waste
4 hauler who deposited the waste, if applicable; the type and
5 nature of the violation; the date and time the violation was
6 observed; the names of witnesses to the violation; and the
7 address of the location or property where the violation is
8 observed.

9 (b) The violation notice and report form shall contain a
10 file number, ~~and~~ a hearing date, and, if approved by the county
11 board by ordinance, the amount of any fine that may be imposed
12 pursuant to an approved schedule of fines noted by the code
13 enforcement officer in the blank spaces provided for that
14 purpose on the form. The violation notice and report form shall
15 state that the respondent does not need to appear at the
16 hearing on the date indicated on the form if the respondent
17 pays the determinate fine in the amount set forth in the
18 county's approved fine schedule for the code violation. The
19 respondent must pay the determinate fine at least 5 days before
20 the hearing date indicated on the violation notice and report
21 form. The violation notice and report shall state that if the
22 respondent does not voluntarily pay the determinate fine in
23 accordance with the schedule of fines or fails ~~failure~~ to
24 appear at the hearing, if required, on the date indicated, then
25 the failure to pay or appear, if required, may result in a
26 determination of liability for the cited violation and the

1 imposition of fines and assessment of costs as provided by the
2 applicable county ordinance. The violation notice and report
3 shall also state that upon a determination of liability and the
4 exhaustion of or failure to exhaust procedures for judicial
5 review, any unpaid fines or costs imposed will constitute a
6 debt due and owed to the county.

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

20 (d) In lieu of a personal appearance at the hearing, a
21 county board may provide for the voluntary payment of a
22 determinate fine in accordance with a schedule of fines
23 approved by ordinance and as provided in this Division 5-41.

24 (Source: P.A. 94-616, eff. 1-1-06.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.