



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1511

Introduced 2/18/2009, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1063

from Ch. 34, par. 5-1063

55 ILCS 5/5-1114

from Ch. 34, par. 5-1114

Amends the Counties Code. Provides that a county board may by resolution or ordinance require that each occupant of a residential dwelling located outside the limits of cities, villages, and incorporated towns obtain an occupancy permit issued by the county. Provides that in actions for the violation of any county ordinance, the first process shall be a summons, "a notice to appear", or a warrant. Provides that the county sheriff of the county where the violation occurs may issue a notice to appear. In the case of a violation of a county's building code or property maintenance code, the county's code enforcement officer may issue the notice to appear.

LRB096 08144 RLJ 18250 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  
5 Sections 5-1063 and 5-1114 as follows:

6 (55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

7 Sec. 5-1063. Building construction, alteration and  
8 maintenance. For the purpose of promoting and safeguarding the  
9 public health, safety, comfort and welfare, a county board may  
10 prescribe by resolution or ordinance reasonable rules and  
11 regulations (a) governing the construction and alteration of  
12 all buildings, structures and camps or parks accommodating  
13 persons in house trailers, house cars, cabins or tents and  
14 parts and appurtenances thereof and governing the maintenance  
15 thereof in a condition reasonably safe from hazards of fire,  
16 explosion, collapse, electrocution, flooding, asphyxiation,  
17 contagion and the spread of infectious disease, where such  
18 buildings, structures and camps or parks are located outside  
19 the limits of cities, villages and incorporated towns, but  
20 excluding those for agricultural purposes on farms including  
21 farm residences, but any such resolution or ordinance shall be  
22 subject to any rule or regulation heretofore or hereafter  
23 adopted by the State Fire Marshal pursuant to "An Act to

1 regulate the storage, transportation, sale and use of gasoline  
2 and volatile oils", approved June 28, 1919, as amended; (b) for  
3 prohibiting the use for residential purposes of buildings and  
4 structures already erected or moved into position which do not  
5 comply with such rules and regulations; and (c) for the  
6 restraint, correction and abatement of any violations.

7 In addition, the county board may by resolution or  
8 ordinance require that each occupant of an industrial building,  
9 a ~~or~~ commercial building, or a residential dwelling located  
10 outside the limits of cities, villages and incorporated towns  
11 obtain an occupancy permit issued by the county. Such permit  
12 may be valid for the duration of the occupancy or for a  
13 specified period of time, and shall be valid only with respect  
14 to the occupant to which it is issued.

15 Within 30 days after its adoption, such resolution or  
16 ordinance shall be printed in book or pamphlet form, published  
17 by authority of the County Board; or it shall be published at  
18 least once in a newspaper published and having general  
19 circulation in the county; or if no newspaper is published  
20 therein, copies shall be posted in at least 4 conspicuous  
21 places in each township or Road District. No such resolution or  
22 ordinance shall take effect until 10 days after it is published  
23 or posted. Where such building or camp or park rules and  
24 regulations have been published previously in book or pamphlet  
25 form, the resolution or ordinance may provide for the adoption  
26 of such rules and regulations or portions thereof, by reference

1 thereto without further printing, publication or posting,  
2 provided that not less than 3 copies of such rules and  
3 regulations in book or pamphlet form shall have been filed, in  
4 the office of the County Clerk, for use and examination by the  
5 public for at least 30 days prior to the adoption thereof by  
6 the County Board.

7       Beginning on the effective date of this amendatory Act of  
8 the 92nd General Assembly, any county adopting a new building  
9 code or amending an existing building code under this Section  
10 must, at least 30 days before adopting the building code or  
11 amendment, provide an identification of the building code, by  
12 title and edition, or the amendment to the Illinois Building  
13 Commission for identification on the Internet. For the purposes  
14 of this Section, "building code" means any ordinance,  
15 resolution, law, housing or building code, or zoning ordinance  
16 that establishes construction related activities applicable to  
17 structures in the county.

18       The violation of any rule or regulation adopted pursuant to  
19 this Section, except for a violation of the provisions of this  
20 amendatory Act of the 92nd General Assembly and the rules and  
21 regulations adopted under those provisions, shall be a petty  
22 offense.

23       All rules and regulations enacted by resolution or  
24 ordinance under the provisions of this Section shall be  
25 enforced by such officer of the county as may be designated by  
26 resolution of the County Board.

1           No such resolution or ordinance shall be enforced if it is  
2 in conflict with any law of this State or with any rule of the  
3 Department of Public Health.

4           (Source: P.A. 92-489, eff. 7-1-02.)

5           (55 ILCS 5/5-1114) (from Ch. 34, par. 5-1114)

6           Sec. 5-1114. Violation of ordinance. Except as provided in  
7 Section 10-302.5 of the Illinois Highway Code, in all actions  
8 for the violation of any county ordinance, the first process  
9 shall be a summons, a notice to appear, or a warrant. A warrant  
10 or summons for the arrest of an accused person may issue from  
11 the circuit court upon the affidavit of any person that an  
12 ordinance has been violated, and that the person making the  
13 complaint has reasonable grounds to believe that the party  
14 charged is guilty thereof. Every person arrested upon a warrant  
15 or summons shall be taken, without unnecessary delay, before  
16 the proper judicial officer for trial. The county sheriff of  
17 the county where the violation occurs may issue a notice to  
18 appear. In the case of a violation of a county building code or  
19 property maintenance code, the county code enforcement officer  
20 provided for by the county in its respective building or  
21 property maintenance code may issue the notice to appear.

22           (Source: P.A. 89-120, eff. 7-7-95.)