



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB2164

Introduced 2/10/2011, by Sen. Dave Syverson

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-19.2-2	from Ch. 24, par. 11.19.2-2
65 ILCS 5/11-19.2-3	from Ch. 24, par. 11-19.2-3
65 ILCS 5/11-19.2-4	from Ch. 24, par. 11-19.2-4
65 ILCS 5/11-19.2-5	was 65 ILCS 5/19.2-5
65 ILCS 5/11-19.2-6	from Ch. 24, par. 11-19.2-6
65 ILCS 5/11-19.2-7	from Ch. 24, par. 11-19.2-7
65 ILCS 5/11-19.2-8	from Ch. 24, par. 11-19.2-8
65 ILCS 5/11-19.2-9	from Ch. 24, par. 11-19.2-9
65 ILCS 5/11-19.2-10	from Ch. 24, par. 11-19.2-10
65 ILCS 5/11-19.2-11	from Ch. 24, par. 11-19.2-11
65 ILCS 5/11-19.2-11.1 new	
65 ILCS 5/11-19.2-12	from Ch. 24, par. 11-19.2-12
65 ILCS 5/11-31.1-2	from Ch. 24, par. 11-31.1-2
65 ILCS 5/11-31.1-3	from Ch. 24, par. 11-31.1-3
65 ILCS 5/11-31.1-4	from Ch. 24, par. 11-31.1-4
65 ILCS 5/11-31.1-5	from Ch. 24, par. 11-31.1-5
65 ILCS 5/11-31.1-6	from Ch. 24, par. 11-31.1-6
65 ILCS 5/11-31.1-9	from Ch. 24, par. 11-31.1-9
65 ILCS 5/11-31.1-10	from Ch. 24, par. 11-31.1-10
65 ILCS 5/11-31.1-11	from Ch. 24, par. 11-31.1-11
65 ILCS 5/11-31.1-11.1	from Ch. 24, par. 11-31.1-11.1
65 ILCS 5/11-31.1-12	from Ch. 24, par. 11-31.1-12
65 ILCS 5/11-19.2-13 rep.	

Amends the Illinois Municipal Code. Provides that any county or municipality may establish a code hearing unit. Sets forth requirements for hearing proceedings, notices, subpoenas, continuances, evidence at hearings, rights of occupants in eviction proceedings, defenses, findings and decisions, administrative review, judgments, and sanctions concerning sanitation and building code violations. Repeals a provision concerning the adoption of the Division by a municipality. Effective immediately.

LRB097 09152 KMW 49287 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 Illinois Municipal Code is amended by  
5 changing Sections 11-19.2-2, 11-19.2-3, 11-19.2-4, 11-19.2-5,  
6 19.2-5, 11-19.2-6, 11-19.2-7, 11-19.2-8, 11-19.2-9,  
7 11-19.2-10, 11-19.2-11, 11-19.2-12, 11-31.1-2, 11-31.1-3,  
8 11-31.1-4, 11-31.1-5, 11-31.1-6, 11-31.1-9, 11-31.1-10,  
9 11-31.1-11, 11-31.1-11.1, and 11-31.1-12 and by adding Section  
10 11-19.2-11.1 as follows:

11 (65 ILCS 5/11-19.2-2) (from Ch. 24, par. 11.19.2-2)

12 Sec. 11-19.2-2. Code hearing unit. The corporate  
13 authorities or county board of any county or municipality  
14 ~~having a population of 100,000 or more inhabitants~~ may  
15 establish by ordinance a code hearing unit within an existing  
16 code enforcement agency or as a separate and independent agency  
17 in the municipal government. The function of the code hearing  
18 unit is to expedite the prosecution and correction of code  
19 violations in the manner set forth in this Division.

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

21 (65 ILCS 5/11-19.2-3) (from Ch. 24, par. 11-19.2-3)

22 Sec. 11-19.2-3. Hearing procedures not exclusive. In any

1 municipality where this Division is adopted, this Division  
2 shall not preclude the municipality from using other methods to  
3 enforce the provisions of its Code, provided the county or  
4 municipality adheres to the requirements of notification and  
5 response to notice as defined in this Division.

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

7 (65 ILCS 5/11-19.2-4) (from Ch. 24, par. 11-19.2-4)

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

21 The violation report form shall be forwarded by the  
22 building inspector to the Code Hearing Department where a  
23 Docket number shall be stamped on all copies of the report. The  
24 notice and report shall contain a date by which the violation  
25 is to be corrected which is reasonable considering the nature

1 of the violation, its effect on public health and safety, and  
2 respondent's ability to comply by the date due to factors  
3 outside of the respondent's control. The notice and report  
4 shall also contain a subsequent hearing date noted in the blank  
5 spaces provided for that purpose on the form. The hearing date  
6 shall not be less than 7 days or more than 40 days after the  
7 ordered date of compliance. The violation notice and report  
8 form shall state that:

9 (1) If compliance can not be completed prior to the ordered  
10 date then the respondent shall provide to the inspector prior  
11 to the ordered date of compliance, a proposed written statement  
12 showing cause for the continued violation and a request for an  
13 extension of date by which violations will be corrected.

14 (2) If the respondent who claims responsibility for the  
15 violation is a lessee or person asserting property rights under  
16 a contract with the title holders, then the respondent shall  
17 provide the inspector with contact information of the person  
18 responsible for maintaining the property so the person  
19 responsible for the violation may be included in the order to  
20 comply and appear at the hearing.

21 (3) Failure to appear at the hearing on the date indicated  
22 may result in a determination of liability for the cited  
23 violation and the imposition of fines and assessment of costs  
24 as provided by the applicable municipal ordinance.

25 One copy of the violation report form shall be maintained in  
26 the files of the Code Hearing Department and shall be part of

1 the record of hearing, one copy of the report form shall be  
2 returned to the building inspector so that he may prepare  
3 evidence of the code violation for presentation at the hearing  
4 on the date indicated, and one copy of the report form shall be  
5 served by first class mail on the owner of the structure, along  
6 with a summons commanding the owner to appear at the hearing.  
7 If the county or municipality in which the structure is  
8 situated has an ordinance requiring property owners to register  
9 with the county or municipality or owners have voluntarily  
10 provided a contact address in a manner that can be documented,  
11 service shall be made on the owner in person or by mailing the  
12 report and summons to the address provided by the owner. If the  
13 name of the owner of the structure cannot be ascertained,  
14 service may be made on the owner by posting or nailing a copy  
15 of the violation report form on the front door of the structure  
16 where the violation is found and by certified mail to the  
17 address which appear on the property tax records, not less than  
18 20 days before the hearing is scheduled. The violation notice  
19 and report form shall contain a file number and a hearing date  
20 noted by the sanitation inspector in the blank spaces provided  
21 for that purpose on the form. The violation notice and report  
22 form shall state that failure to appear at the hearing on the  
23 date indicated may result in a determination of liability for  
24 the cited violation and the imposition of fines and assessment  
25 of costs as provided by the applicable municipal ordinance. The  
26 violation notice and report form shall also state that upon a

1 ~~determination of liability and the exhaustion or failure to~~  
2 ~~exhaust procedures for judicial review, any unpaid fines or~~  
3 ~~costs imposed will constitute a debt due and owing the~~  
4 ~~municipality.~~

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

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

20 (65 ILCS 5/11-19.2-5) (was 65 ILCS 5/19.2-5)

21 Sec. 11-19.2-5. Subpoenas - Defaults. At any time prior to  
22 the hearing date the hearing officer assigned to hear the case  
23 may, at the request of the sanitation inspector or the attorney  
24 for the municipality, or the respondent or his attorney, issue  
25 subpoenas directing witnesses to appear and give testimony at

1 the hearing. If on the date set for hearing the owner  
2 ~~respondent~~ or his attorney fails to appear and the inspector  
3 provides evidence of proper procedure for notice, the hearing  
4 officer may find the respondent in default and shall proceed  
5 with the hearing and accept evidence relating to the existence  
6 of a code violation.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 (65 ILCS 5/11-19.2-6) (from Ch. 24, par. 11-19.2-6)

9 Sec. 11-19.2-6. Continuances - Representation at code  
10 hearings. No continuances shall be authorized by the hearing  
11 officer in proceedings under this Division except in cases  
12 where a continuance is absolutely necessary to protect the  
13 rights of the owner or if the hearing officer determines the  
14 respondent's request for an extension of the compliance date is  
15 justified. Lack of preparation shall not be grounds for a  
16 continuance. Any continuance authorized by a hearing officer  
17 under this Division shall not exceed 25 days. The case for the  
18 municipality may be presented by the building inspector, by any  
19 other municipal employee, or by an attorney designated by the  
20 municipality. However, in no event shall the case for the  
21 municipality be presented by an employee of the Code Hearing  
22 Department. The case for the dwelling owner may be presented by  
23 the owner, his attorney, or any other agent or representative.  
24 ~~The case for the municipality may be presented by the~~  
25 ~~sanitation inspector, by any other municipal employee or by an~~

1 ~~attorney designated by the municipality. However, in no event~~  
2 ~~shall the case for the municipality be presented by an employee~~  
3 ~~of the code hearing unit. The case for the respondent may be~~  
4 ~~presented by the respondent, his attorney, or any other agent~~  
5 ~~or representative.~~

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

7 (65 ILCS 5/11-19.2-7) (from Ch. 24, par. 11-19.2-7)

8 Sec. 11-19.2-7. Hearing - Evidence. At the hearing, the ~~The~~  
9 hearing officer shall preside and ~~at the hearing,~~ shall hear  
10 testimony and accept any evidence relevant to the existence or  
11 non-existence of a code violation in the structure ~~upon the~~  
12 ~~property~~ indicated. ~~The sanitation inspector's signed~~  
13 ~~violation notice and report form shall be prima facie evidence~~  
14 ~~of the existence of the code violation described therein.~~ The  
15 strict rules of evidence applicable to judicial proceedings  
16 shall not apply to hearings authorized under this Division.

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

18 (65 ILCS 5/11-19.2-8) (from Ch. 24, par. 11-19.2-8)

19 Sec. 11-19.2-8. Eviction - Rights of the occupants.  
20 ~~Findings, Decision, and Order.~~ No action for eviction,  
21 abatement of a nuisance, forcible entry and detainer or other  
22 similar proceeding shall be threatened or instituted against an  
23 occupant of a dwelling solely because such occupant agrees to  
24 testify or testifies at a code violation hearing. ~~At the~~



~~conclusion of the hearing the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as the findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the findings of fact, and an order, imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case in the event the violation is not proved. If the hearing officer determines that the respondent is liable for the cited violation, the hearing officer shall enter an order imposing sanctions that are provided in the code for the violations proved, including the imposition of fines and recovery of the costs of the proceedings, which costs shall be enforced in like manner as the enforcement of fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form pursuant to Section 11-19.2-4. Payment of any penalty, fine or costs of the proceedings and the disposition of such money shall be in the same manner as set forth in this Code, unless the corporate authorities establishing a code hearing unit by ordinance provide otherwise.~~

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

1 (65 ILCS 5/11-19.2-9) (from Ch. 24, par. 11-19.2-9)

2 Sec. 11-19.2-9. Defenses to code violations.  
3 ~~Administrative review.~~ It shall be a defense to a code  
4 violation charged under this Division if the owner, his  
5 attorney, or any other agent or representative proves to the  
6 hearing officer's satisfaction that:

7 (a) The code violation alleged in the notice does not in  
8 fact exist, or at the time of the hearing the violation has  
9 been remedied or removed;

10 (b) The code violation has been caused by the current  
11 property occupants and that in spite of reasonable attempts by  
12 the owner to maintain the dwelling free of such violations, the  
13 current occupants continue to cause the violations;

14 (c) An occupant or resident of the dwelling has refused  
15 entry to the owner or his agent to all or a part of the dwelling  
16 for the purpose of correcting the code violation;

17 (d) The property or portion of the property where the  
18 violation exists is under the control of a lessee or contract  
19 buyer responsible for maintaining the property and that the  
20 leasehold interest or contract purchase is being terminated.

21 ~~The findings, decision and order of the hearing officer shall~~  
22 ~~be subject to review in the circuit court of the county where~~  
23 ~~the municipality is located, and the provisions of the~~  
24 ~~Administrative Review Law, and all amendments and~~  
25 ~~modifications thereto, and the rules adopted pursuant thereto~~  
26 ~~are adopted and shall apply to and govern every action for the~~

1 ~~judicial review of the final findings, decision and order of a~~  
2 ~~hearing officer under this Division.~~

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

4 (65 ILCS 5/11-19.2-10) (from Ch. 24, par. 11-19.2-10)

5 Sec. 11-19.2-10. Findings, decision, order. Sanctions  
6 ~~appropriate to owner property.~~ At the conclusion of the  
7 hearing the hearing officer shall make a determination on the  
8 basis of the evidence presented at the hearing whether or not a  
9 code violation exists. The determination shall be in writing  
10 and shall be designated as findings, decision and order. The  
11 findings, decision and order shall include the hearing  
12 officer's findings of fact, a decision whether or not a code  
13 violation exists based upon the findings of fact, an order  
14 demanding the owner or person responsible for the violation to  
15 correct the violation, and an order, ordering the owner to  
16 correct the violation or dismissing the case, in the event a  
17 violation is not proved. If a code violation is proved, the  
18 order may also impose the sanctions that are provided in the  
19 code for the violation proved against the owner or the person  
20 determined to be responsible for the violation or both the  
21 owner and the person responsible for the violation. A copy of  
22 the findings, decision, and order shall be served on the owner  
23 within 5 days after they are issued; service on the owner shall  
24 be in the same manner as the report form and summons are served  
25 pursuant to Section 11-31.1-4. Service on a person other than

1 the owner who has been determined as being responsible for the  
2 continued violation shall be made at the property where the  
3 violation exists and any other address identified to the  
4 hearing officer as appropriate for contact to the responsible  
5 person. Payment of any penalty or fine and the disposition of  
6 fine money shall be in the same manner as set forth in the  
7 code, unless the corporate authorities adopting this Division  
8 provide otherwise. ~~The order to correct a code violation and~~  
9 ~~the sanctions imposed by a municipality against a respondent~~  
10 ~~property owner as the result of a finding of a code violation~~  
11 ~~under this Division shall attach to the property as well as the~~  
12 ~~owner of the property, so that the finding of a code violation~~  
13 ~~against one owner cannot be avoided by conveying or~~  
14 ~~transferring the property to another owner. Any subsequent~~  
15 ~~transferee or owner of property takes subject to the findings,~~  
16 ~~decision and order of a hearing officer under this Division if~~  
17 ~~a notice consisting of a copy of the order to correct a code~~  
18 ~~violation and imposing any sanctions and costs, if applicable,~~  
19 ~~and a description of the real estate affected sufficient for~~  
20 ~~the identification thereof, has been filed in the office of the~~  
21 ~~Recorder or the office of the Registrar of Titles in the county~~  
22 ~~in which such real estate is located by the municipality prior~~  
23 ~~to the transfer or conveyance to the subsequent transferee or~~  
24 ~~owner.~~

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

1 (65 ILCS 5/11-19.2-11) (from Ch. 24, par. 11-19.2-11)

2 Sec. 11-19.2-11. Administrative review. The findings,  
3 decision and order of the hearing officer shall be subject to  
4 review in the circuit court of the county where the county or  
5 municipality is located, and the provisions of the  
6 Administrative Review Law, and all amendments and  
7 modifications thereto, and the rules adopted pursuant thereto  
8 are adopted and shall apply to and govern every action for the  
9 judicial review of the final findings, decision and order of a  
10 hearing officer under this Division. ~~(a) A person who contracts~~  
11 ~~with the federal government or any of its agencies, including~~  
12 ~~without limitation the Department of Housing and Urban~~  
13 ~~Development, to care for vacant residential real estate shall~~  
14 ~~be responsible for maintaining the property to prevent and~~  
15 ~~correct municipal health and sanitation code violations.~~

16 ~~(b) A person who violates this Section shall be subject to~~  
17 ~~the findings, decision and order of the hearing officer as~~  
18 ~~provided in this Division.~~

19 ~~(c) A person who intentionally violates this Section is~~  
20 ~~guilty of a business offense and shall be fined not less than~~  
21 ~~\$501 and not more than \$1,000.~~

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

23 (65 ILCS 5/11-19.2-11.1 new)

24 Sec. 11-19.2-11.1. Judgment on findings, decision, order.

25 (a) Any fine, other sanction or costs imposed, or part of

1 any fine, other sanction or costs imposed remaining unpaid  
2 after the exhaustion of, or the failure to exhaust, judicial  
3 review procedures under the Administrative Review Law shall be  
4 a debt due and owing the county or municipality and, as such,  
5 may be collected in accordance with applicable law.

6 (b) After expiration of the period within which judicial  
7 review under the Administrative Review Law may be sought for a  
8 final determination of the code violation, the county or  
9 municipality may commence a proceeding in the circuit court of  
10 the county where the county or municipality is located for  
11 purposes of obtaining a judgment on the findings, decision and  
12 order. Nothing in this Section shall prevent a county or  
13 municipality from consolidating multiple findings, decisions  
14 and orders against a person in such a proceeding. Upon  
15 commencement of the action, the county or municipality shall  
16 file a certified copy of the findings, decision and order,  
17 which shall be accompanied by a certification that recites  
18 facts sufficient to show that the findings, decision and order  
19 was issued in accordance with this Division and the applicable  
20 municipal ordinance. Service of the summons and a copy of the  
21 petition may be by any method provided by Section 2-203 of the  
22 Code of Civil Procedure or by certified mail, return receipt  
23 requested, provided that the total amount of fines, other  
24 sanctions and costs imposed by the findings, decision and order  
25 does not exceed \$2500. If the court is satisfied that the  
26 findings, decision and order were entered in accordance with

1 the requirements of this Division and the applicable county or  
2 municipal ordinance, and that the property owner had an  
3 opportunity for a hearing under this Division and for judicial  
4 review as provided in this Division: (1) the court shall render  
5 judgment in favor of the county or municipality and against the  
6 property owner for the amount indicated in the findings,  
7 decision and order, plus costs. Such judgment shall have the  
8 same effect and may be enforced in the same manner as other  
9 judgments for the recovery of money; and (2) the court may also  
10 issue such other orders and injunctions as are requested by the  
11 county or municipality to enforce the order of the hearing  
12 officer to correct a code violation.

13 (65 ILCS 5/11-19.2-12) (from Ch. 24, par. 11-19.2-12)  
14 Sec. 11-19.2-12. Sanctions applicable to owner - Property.  
15 The order to correct a code violation and the sanctions imposed  
16 by a county or municipality as the result of a finding of a  
17 code violation under this Division shall attach to the property  
18 so that a finding of a code violation against one owner cannot  
19 be avoided by conveying or transferring the property to another  
20 owner, to the owner of the property and to the person found to  
21 be responsible for the continuation of the violation. Any  
22 subsequent transferee or owner of property takes subject to the  
23 findings, decision and order of a hearing officer under this  
24 Division. ~~(a) Any fine, other sanction or costs imposed, or~~  
25 ~~part of any fine, other sanction or costs imposed remaining~~

1 ~~unpaid after the exhaustion of, or the failure to exhaust,~~  
2 ~~judicial review procedures under the Administrative Review Law~~  
3 ~~shall be a debt due and owing the municipality and, as such,~~  
4 ~~may be collected in accordance with applicable law. Any~~  
5 ~~subsequent owner or transferee of property takes subject to~~  
6 ~~this debt if a notice has been filed pursuant to Section~~  
7 ~~11-19.2-10.~~

8 ~~(b) After expiration of the period within which judicial~~  
9 ~~review under the Administrative Review Law may be sought for a~~  
10 ~~final determination of the code violation, the municipality may~~  
11 ~~commence a proceeding in the circuit court of the county where~~  
12 ~~the municipality is located for purposes of obtaining a~~  
13 ~~judgment on the findings, decision and order. Nothing in this~~  
14 ~~Section shall prevent a municipality from consolidating~~  
15 ~~multiple findings, decisions and orders against a person in~~  
16 ~~such a proceeding. Upon commencement of the action, the~~  
17 ~~municipality shall file a certified copy of the findings,~~  
18 ~~decision and order, which shall be accompanied by a~~  
19 ~~certification that recites facts sufficient to show that the~~  
20 ~~findings, decision and order was issued in accordance with this~~  
21 ~~Division and the applicable municipal ordinance. Service of the~~  
22 ~~summons and a copy of the petition may be by any method~~  
23 ~~provided by Section 2-203 of the Code of Civil Procedure or by~~  
24 ~~certified mail, return receipt requested, provided that the~~  
25 ~~total amount of fines, other sanctions and costs imposed by the~~  
26 ~~findings, decision and order does not exceed \$5,000. If the~~



1 ~~court is satisfied that the findings, decision and order was~~  
2 ~~entered in accordance with the requirements of this Division~~  
3 ~~and the applicable municipal ordinance, and that the respondent~~  
4 ~~had an opportunity for a hearing under this Division and for~~  
5 ~~judicial review as provided in this Division:~~

6 ~~(1) the court shall render judgment in favor of the~~  
7 ~~municipality and against the respondent for the amount~~  
8 ~~indicated in the findings, decision and order, plus court~~  
9 ~~costs. Such judgment shall have the same effect and may be~~  
10 ~~enforced in the same manner as other judgments for the~~  
11 ~~recovery of money; and~~

12 ~~(2) the court may also issue such other orders or~~  
13 ~~injunctions or both requested by the municipality to~~  
14 ~~enforce the order of the hearing officer to correct a code~~  
15 ~~violation.~~

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

17 (65 ILCS 5/11-31.1-2) (from Ch. 24, par. 11-31.1-2)

18 Sec. 11-31.1-2. Code hearing unit ~~department~~. The  
19 corporate authorities of any county or municipality may adopt  
20 this Division and establish by ordinance a Code Hearing Unit  
21 ~~Department~~ within an existing code enforcement agency or as a  
22 separate and independent agency in the county or municipal  
23 government. The function of the hearing department is to  
24 expedite the prosecution and correction of code violations in  
25 the manner set forth in this Division.

1 (Source: P.A. 88-37.)

2 (65 ILCS 5/11-31.1-3) (from Ch. 24, par. 11-31.1-3)

3 Sec. 11-31.1-3. Hearing procedures not exclusive. In any  
4 county or municipality where this Division is adopted, this  
5 Division does not preclude the county or municipality from  
6 using other methods to enforce the provisions of its code,  
7 provided the county or municipality adheres to the requirements  
8 of notification and response to notice as defined in this  
9 Division.

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

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

12 Sec. 11-31.1-4. Instituting code hearing proceedings. When  
13 a building inspector finds a code violation while inspecting a  
14 structure, he shall note the violation on a multiple copy  
15 violation notice and report form citing the language of the  
16 code which is alleged to be in violation and a description of  
17 the circumstances present on the property which violates the  
18 code, indicating the name and address of the structure owner,  
19 the type and nature of the violation, the date and time the  
20 violation was observed, the names of witnesses to the  
21 violation, and the address of the structure where the violation  
22 is observed.

23 The violation report form shall be forwarded by the  
24 building inspector to the Code Hearing Department where a

1 Docket number shall be stamped on all copies of the report. The  
2 notice and report shall contain a date by which the violation  
3 is to be corrected which is reasonable considering the nature  
4 of the violation, its effect on public health and safety, and  
5 respondent's ability to comply by the date due to factors  
6 outside of the respondent's control. The notice and report  
7 shall also contain a subsequent hearing date noted in the blank  
8 spaces provided for that purpose on the form. The hearing date  
9 shall not be less than 7 days or more than 40 days after the  
10 ordered date of compliance. The violation notice and report  
11 form shall state that:

12 (1) If compliance can not be completed prior to the ordered  
13 date then the respondent shall provide to the inspector prior  
14 to the ordered date of compliance, a proposed written statement  
15 showing cause for the continued violation and a request for an  
16 extension of date by which violations will be corrected.

17 (2) If the respondent who claims responsibility for the  
18 violation is a lessee or person asserting property rights under  
19 a contract with the title holders, then the respondent shall  
20 provide the inspector with contact information of the person  
21 responsible for maintaining the property so the person  
22 responsible for the violation may be included in the order to  
23 comply and appear at the hearing.

24 (3) Failure to appear at the hearing on the date indicated  
25 may result in a determination of liability for the cited  
26 violation and the imposition of fines and assessment of costs

1 as provided by the applicable municipal ordinance. ~~, and a~~  
2 ~~hearing date noted in the blank spaces provided for that~~  
3 ~~purpose on the form. The hearing date shall not be less than 30~~  
4 ~~nor more than 40 days after the violation is reported by the~~  
5 ~~building inspector.~~

6 One copy of the violation report form shall be maintained  
7 in the files of the Code Hearing Department and shall be part  
8 of the record of hearing, one copy of the report form shall be  
9 returned to the building inspector so that he may prepare  
10 evidence of the code violation for presentation at the hearing  
11 on the date indicated, and one copy of the report form shall be  
12 served by first class mail on the owner of the structure, along  
13 with a summons commanding the owner to appear at the hearing.  
14 If the county or municipality in which the structure is  
15 situated has an ordinance requiring property owners to register  
16 with the county or municipality or owners have voluntarily  
17 provided a contact address in a manner that can be documented,  
18 service shall ~~may~~ be made on the owner by mailing the report  
19 and summons to the owner's address registered with the  
20 municipality. If the name of the owner of the structure cannot  
21 be ascertained ~~or if service on the owner cannot be made by~~  
22 ~~mail,~~ service may be made on the owner by posting or nailing a  
23 copy of the violation report form on the front door of the  
24 structure where the violation is found and by certified mail to  
25 the address which appears on the property tax records, not less  
26 than 20 days before the hearing is scheduled.

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

2 (65 ILCS 5/11-31.1-5) (from Ch. 24, par. 11-31.1-5)

3 Sec. 11-31.1-5. Subpoenas; Defaults. At any time prior to  
4 the hearing date the hearing officer assigned to hear the case  
5 may, at the request of the building inspector or the attorney  
6 for the county or municipality, or the owner or his attorney,  
7 issue subpoenas directing witnesses to appear and give  
8 testimony at the hearing. If on the date set for hearing the  
9 owner or his attorney fails to appear and the inspector  
10 provides evidence of proper procedure for notice, the hearing  
11 officer may find the owner in default and shall proceed with  
12 the hearing and accept evidence relevant to the existence of a  
13 code violation.

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

15 (65 ILCS 5/11-31.1-6) (from Ch. 24, par. 11-31.1-6)

16 Sec. 11-31.1-6. Continuances - Representation at code  
17 hearings. No continuances shall be authorized by the hearing  
18 officer in proceedings under this Division except in cases  
19 where a continuance is absolutely necessary to protect the  
20 rights of the owner or if the hearing officer determines the  
21 respondent's request for extension of compliance date is  
22 justified. Lack of preparation shall not be grounds for a  
23 continuance. Any continuance authorized by a hearing officer  
24 under this Division shall not exceed 25 days. The case for the

1 municipality may be presented by the building inspector, by any  
2 other municipal employee or by an attorney designated by the  
3 municipality. However, in no event shall the case for the  
4 municipality be presented by an employee of the Code Hearing  
5 Department. The case for the dwelling owner may be presented by  
6 the owner, his attorney, or any other agent or representative.  
7 (Source: Laws 1967, p. 1905.)

8 (65 ILCS 5/11-31.1-9) (from Ch. 24, par. 11-31.1-9)

9 Sec. 11-31.1-9. Defenses to code violations. It shall be a  
10 defense to a code violation charged under this Division if the  
11 owner, his attorney, or any other agent or representative  
12 proves to the hearing officer's satisfaction that:

13 (a) The code violation alleged in the notice does not in  
14 fact exist, or at the time of the hearing the violation has  
15 been remedied or removed;

16 (b) The code violation has been caused by the current  
17 property occupants and that in spite of reasonable attempts by  
18 the owner to maintain the dwelling free of such violations, the  
19 current occupants continue to cause the violations;

20 (c) An occupant or resident of the dwelling has refused  
21 entry to the owner or his agent to all or a part of the dwelling  
22 for the purpose of correcting the code violation.

23 (d) The property or portion of the property where the  
24 violation exists is under the control of a lessee or contract  
25 buyer responsible for maintaining the property and that the

1 leasehold interest or contract purchase is being terminated.

2 (Source: P.A. 89-372, eff. 1-1-96.)

3 (65 ILCS 5/11-31.1-10) (from Ch. 24, par. 11-31.1-10)

4 Sec. 11-31.1-10. Findings, decision, order. At the  
5 conclusion of the hearing the hearing officer shall make a  
6 determination on the basis of the evidence presented at the  
7 hearing whether or not a code violation exists. The  
8 determination shall be in writing and shall be designated as  
9 findings, decision and order. The findings, decision and order  
10 shall include the hearing officer's findings of fact, a  
11 decision whether or not a code violation exists based upon the  
12 findings of fact, and an order, ordering the owner to correct  
13 the violation or dismissing the case, in the event a violation  
14 is not proved. If a code violation is proved, the order may  
15 also impose the sanctions that are provided in the code for the  
16 violation proved against the owner or the person determined to  
17 be responsible for the violation or both the owner and the  
18 person responsible for the violation. A copy of the findings,  
19 decision, and order shall be served on the owner within 5 days  
20 after they are issued; service on the owner shall be in the  
21 same manner as the report form and summons are served pursuant  
22 to Section 11-31.1-4. Service on a person other than the owner  
23 who has been determined as being responsible for the continued  
24 violation shall be made at the property where the violation  
25 exists and any other address identified to the hearing officer

1 as appropriate for contact to the responsible person. Payment  
2 of any penalty or fine and the disposition of fine money shall  
3 be in the same manner as set forth in the code, unless the  
4 corporate authorities adopting this Division provide  
5 otherwise.

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

7 (65 ILCS 5/11-31.1-11) (from Ch. 24, par. 11-31.1-11)

8 Sec. 11-31.1-11. Administrative review. The findings,  
9 decision and order of the hearing officer shall be subject to  
10 review in the circuit court of the county where the county or  
11 municipality is located, and the provisions of the  
12 Administrative Review Law, and all amendments and  
13 modifications thereto, and the rules adopted pursuant thereto  
14 are adopted and shall apply to and govern every action for the  
15 judicial review of the final findings, decision and order of a  
16 hearing officer under this Division.

17 (Source: P.A. 82-783.)

18 (65 ILCS 5/11-31.1-11.1) (from Ch. 24, par. 11-31.1-11.1)

19 Sec. 11-31.1-11.1. Judgment on findings, decision, order.

20 (a) Any fine, other sanction or costs imposed, or part of  
21 any fine, other sanction or costs imposed remaining unpaid  
22 after the exhaustion of, or the failure to exhaust, judicial  
23 review procedures under the Administrative Review Law shall be  
24 a debt due and owing the county or municipality and, as such,



1 may be collected in accordance with applicable law.

2 (b) After expiration of the period within which judicial  
3 review under the Administrative Review Law may be sought for a  
4 final determination of the code violation, the county or  
5 municipality may commence a proceeding in the circuit court of  
6 the county where the county or municipality is located for  
7 purposes of obtaining a judgment on the findings, decision and  
8 order. Nothing in this Section shall prevent a county or  
9 municipality from consolidating multiple findings, decisions  
10 and orders against a person in such a proceeding. Upon  
11 commencement of the action, the county or municipality shall  
12 file a certified copy of the findings, decision and order,  
13 which shall be accompanied by a certification that recites  
14 facts sufficient to show that the findings, decision and order  
15 was issued in accordance with this Division and the applicable  
16 county or municipal ordinance. Service of the summons and a  
17 copy of the petition may be by any method provided by Section  
18 2-203 of the Code of Civil Procedure or by certified mail,  
19 return receipt requested, provided that the total amount of  
20 fines, other sanctions and costs imposed by the findings,  
21 decision and order does not exceed \$2500. If the court is  
22 satisfied that the findings, decision and order were entered in  
23 accordance with the requirements of this Division and the  
24 applicable municipal ordinance, and that the property owner had  
25 an opportunity for a hearing under this Division and for  
26 judicial review as provided in this Division: (1) the court

1 shall render judgment in favor of the county or municipality  
2 and against the property owner for the amount indicated in the  
3 findings, decision and order, plus costs. Such judgment shall  
4 have the same effect and may be enforced in the same manner as  
5 other judgments for the recovery of money; and (2) the court  
6 may also issue such other orders and injunctions as are  
7 requested by the county or municipality to enforce the order of  
8 the hearing officer to correct a code violation.

9 (Source: P.A. 89-372, eff. 1-1-96.)

10 (65 ILCS 5/11-31.1-12) (from Ch. 24, par. 11-31.1-12)

11 Sec. 11-31.1-12. Sanctions applicable to owner - Property.  
12 The order to correct a code violation and the sanctions imposed  
13 by a county or municipality as the result of a finding of a  
14 code violation under this Division shall attach to the property  
15 ~~as well as to the owner of the property,~~ so that a finding of a  
16 code violation against one owner cannot be avoided by conveying  
17 or transferring the property to another owner, to the owner of  
18 the property, and to the person found to be responsible for the  
19 continuation of the violation. Any subsequent transferee or  
20 owner of property takes subject to the findings, decision and  
21 order of a hearing officer under this Division.

22 (Source: Laws 1967, p. 1905.)

23 (65 ILCS 5/11-19.2-13 rep.)

24 Section 10. The Illinois Municipal Code is amended by

1     repealing Section 11-19.2-13.

2             Section 99. Effective date. This Act takes effect upon  
3     becoming law.