

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 5-43010, 5-43015, 5-43020, 5-43035, and 5-43045 as
6 follows:

7 (55 ILCS 5/5-43010)

8 Sec. 5-43010. Administrative adjudication of county code
9 violations; definitions.

10 (a) Any county may provide by ordinance for a system of
11 administrative adjudication of county code violations to the
12 extent permitted by the Illinois Constitution.

13 (b) Any county may provide by ordinance for a system of
14 administrative adjudication of violations of ordinances
15 enacted by a unit of local government where (i) the county and
16 the unit of local government have entered into an
17 intergovernmental agreement that provides for administrative
18 adjudication of violations of the unit of local government's
19 ordinances by an agency in the county government, and (ii) the
20 violation occurred within the boundaries of the county.

21 (c) "Participating unit of local government" means a unit
22 of local government that has entered into an intergovernmental
23 agreement with a county under this Division for the

1 administrative adjudication of violations of its ordinances by
2 an agency of the county government.

3 (d) "System A—"system of administrative adjudication"
4 means the adjudication of any violation of an a—county
5 ordinance, except for (i) proceedings not within the statutory
6 or the home rule authority of counties or the participating
7 unit of local government; and (ii) any offense under the
8 Illinois Vehicle Code (or a similar offense that is a traffic
9 regulation governing the movement of vehicles and except for
10 any reportable offense under Section 6-204 of the Illinois
11 Vehicle Code).

12 (e) "Unit of local government" has the meaning provided in
13 Section 1 of Article VII of the Illinois Constitution.

14 (Source: P.A. 96-1386, eff. 7-29-10.)

15 (55 ILCS 5/5-43015)

16 Sec. 5-43015. Administrative adjudication procedures not
17 exclusive. The adoption by a county of a system of
18 administrative adjudication does not preclude the county from
19 using other methods to enforce county ordinances. An
20 intergovernmental agreement entered into under this Division
21 does not preclude a participating unit of local government from
22 using other methods to enforce its ordinances.

23 (Source: P.A. 96-1386, eff. 7-29-10.)

24 (55 ILCS 5/5-43020)

1 Sec. 5-43020. Code hearing units; powers of hearing
2 officers.

3 (a) An ordinance establishing a system of administrative
4 adjudication, pursuant to this Division, shall provide for a
5 code hearing unit within an existing agency or as a separate
6 agency in the county government. The ordinance shall establish
7 the jurisdiction of a code hearing unit that is consistent with
8 this Division. The "jurisdiction" of a code hearing unit refers
9 to the particular code violations that it may adjudicate.

10 (b) Adjudicatory hearings shall be presided over by hearing
11 officers. The powers and duties of a hearing officer shall
12 include:

13 (1) hearing testimony and accepting evidence that is
14 relevant to the existence of the code violation;

15 (2) issuing subpoenas directing witnesses to appear
16 and give relevant testimony at the hearing, upon the
17 request of the parties or their representatives;

18 (3) preserving and authenticating the record of the
19 hearing and all exhibits and evidence introduced at the
20 hearing;

21 (4) issuing a determination, based on the evidence
22 presented at the hearing, of whether a code violation
23 exists, which shall be in writing and shall include a
24 written finding of fact, decision, and order including the
25 fine, penalty, or action with which the defendant must
26 comply; and

1 (5) imposing penalties consistent with applicable code
2 provisions and assessing costs upon finding a party liable
3 for the charged violation, except, however, that in no
4 event shall the hearing officer have authority to (i)
5 impose a penalty of incarceration or (ii) impose a fine in
6 excess of \$50,000, or at the option of the county or the
7 participating unit of local government where the fine is
8 imposed for a violation of an ordinance of the
9 participating unit of local government, such other amount
10 not to exceed the maximum amount established by the
11 Mandatory Arbitration System as prescribed by the Rules of
12 the Illinois Supreme Court from time to time for the
13 judicial circuit in which the county is located. The
14 maximum monetary fine under this item (5), shall be
15 exclusive of costs of enforcement or costs imposed to
16 secure compliance with the county's ordinances and shall
17 not be applicable to cases to enforce the collection of any
18 tax imposed and collected by the county.

19 (c) Prior to conducting administrative adjudication
20 proceedings, administrative hearing officers shall have
21 successfully completed a formal training program that includes
22 the following:

23 (1) instruction on the rules of procedure of the
24 administrative hearings that they will conduct;

25 (2) orientation to each subject area of the code
26 violations that they will adjudicate;

- 1 (3) observation of administrative hearings; and
2 (4) participation in hypothetical cases, including
3 ruling on evidence and issuing final orders.

4 In addition, every administrative hearing officer must be
5 an attorney licensed to practice law in the State of Illinois
6 for at least 3 years.

7 (d) A proceeding before a code hearing unit shall be
8 instituted upon the filing of a written pleading by an
9 authorized official of the county or participating unit of
10 local government.

11 (Source: P.A. 96-1386, eff. 7-29-10.)

12 (55 ILCS 5/5-43035)

13 Sec. 5-43035. Enforcement of judgment.

14 (a) Any fine, other sanction, or costs imposed, or part of
15 any fine, other sanction, or costs imposed, remaining unpaid
16 after the exhaustion of or the failure to exhaust judicial
17 review procedures under the Illinois Administrative Review Law
18 are a debt due and owing the county or the participating unit
19 of local government where the fine is imposed for a violation
20 of an ordinance of the participating unit of local government
21 and may be collected in accordance with applicable law.

22 (b) After expiration of the period in which judicial review
23 under the Illinois Administrative Review Law may be sought for
24 a final determination of a code violation, unless stayed by a
25 court of competent jurisdiction, the findings, decision, and

1 order of the hearing officer may be enforced in the same manner
2 as a judgment entered by a court of competent jurisdiction.

3 (c) In any case in which a defendant has failed to comply
4 with a judgment ordering a defendant to correct a code
5 violation or imposing any fine or other sanction as a result of
6 a code violation, any expenses incurred by a county or the
7 participating unit of local government where the fine is
8 imposed for a violation of an ordinance of the participating
9 unit of local government to enforce the judgment, including,
10 but not limited to, attorney's fees, court costs, and costs
11 related to property demolition or foreclosure, after they are
12 fixed by a court of competent jurisdiction or a hearing
13 officer, shall be a debt due and owing the county or the
14 participating unit of local government where the fine is
15 imposed for a violation of an ordinance of the participating
16 unit of local government and may be collected in accordance
17 with applicable law. Prior to any expenses being fixed by a
18 hearing officer pursuant to this subsection (c), the county or
19 the participating unit of local government where the fine is
20 imposed for a violation of an ordinance of the participating
21 unit of local government shall provide notice to the defendant
22 that states that the defendant shall appear at a hearing before
23 the administrative hearing officer to determine whether the
24 defendant has failed to comply with the judgment. The notice
25 shall set the date for the hearing, which shall not be less
26 than 7 days after the date that notice is served. If notice is

1 served by mail, the 7-day period shall begin to run on the date
2 that the notice was deposited in the mail.

3 (d) Upon being recorded in the manner required by Article
4 XII of the Code of Civil Procedure or by the Uniform Commercial
5 Code, a lien shall be imposed on the real estate or personal
6 estate, or both, of the defendant in the amount of any debt due
7 and owing the county or the participating unit of local
8 government where the fine is imposed for a violation of an
9 ordinance of the participating unit of local government under
10 this Section. The lien may be enforced in the same manner as a
11 judgment lien pursuant to a judgment of a court of competent
12 jurisdiction.

13 (e) A hearing officer may set aside any judgment entered by
14 default and set a new hearing date, upon a petition filed
15 within 21 days after the issuance of the order of default, if
16 the hearing officer determines that the petitioner's failure to
17 appear at the hearing was for good cause or at any time if the
18 petitioner establishes that the county or the participating
19 unit of local government where the fine is imposed for a
20 violation of an ordinance of the participating unit of local
21 government did not provide proper service of process. If any
22 judgment is set aside pursuant to this subsection (e), the
23 hearing officer shall have authority to enter an order
24 extinguishing any lien that has been recorded for any debt due
25 and owing the county or the participating unit of local
26 government where the fine is imposed for a violation of an

1 ordinance of the participating unit of local government as a
2 result of the vacated default judgment.

3 (Source: P.A. 96-1386, eff. 7-29-10.)

4 (55 ILCS 5/5-43045)

5 Sec. 5-43045. Impact on home rule authority. This Division
6 does not preempt counties or participating units of local
7 government from adopting other systems of administrative
8 adjudication pursuant to their home rule powers (if any).

9 (Source: P.A. 96-1386, eff. 7-29-10.)