

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, 5-43025, 5-43035, 5-43040,  
6 and 5-43045 as follows:

7 (55 ILCS 5/5-43010)

8 Sec. 5-43010. Administrative adjudication of ~~county~~ code  
9 and ordinance 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 participating unit of local government only where:

16 (i) the unit of local government is engaging in governmental  
17 activities or providing services within the boundaries of the  
18 county; (ii) the unit of local government has no system of  
19 administrative adjudication; and (iii) the violation occurred  
20 within the boundaries of the county.

21 (c) As used in this Division:

22 "Participating unit of local government" means a unit of  
23 local government which has entered into an intergovernmental

1 agreement or contract with a county for the administrative  
2 adjudication of violations of its ordinances by the county  
3 pursuant to this Division.

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

14 "Unit of local government" has the meaning as defined in  
15 the Illinois Constitution of 1970 and also includes a  
16 not-for-profit corporation organized for the purpose of  
17 conducting public business including, but not limited to, the  
18 Northeast Illinois Regional Commuter Railroad Corporation.

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

20 (55 ILCS 5/5-43015)

21 Sec. 5-43015. Administrative adjudication procedures not  
22 exclusive. The adoption by a county of a system of  
23 administrative adjudication does not preclude the county from  
24 using other methods to enforce county ordinances. An  
25 intergovernmental agreement or contract entered into between a

1 county and participating unit of local government under this  
2 Division does not preclude a participating unit of local  
3 government from using other methods to enforce its ordinances.

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

5 (55 ILCS 5/5-43020)

6 Sec. 5-43020. Code hearing units; powers of hearing  
7 officers.

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

15 (b) Adjudicatory hearings shall be presided over by hearing  
16 officers. The powers and duties of a hearing officer shall  
17 include:

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

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

23 (3) preserving and authenticating the record of the  
24 hearing and all exhibits and evidence introduced at the  
25 hearing;

1 (4) issuing a determination, based on the evidence  
2 presented at the hearing, of whether a code violation  
3 exists, which shall be in writing and shall include a  
4 written finding of fact, decision, and order including the  
5 fine, penalty, or action with which the defendant must  
6 comply; and

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

1 participating unit of local government.

2 (c) Prior to conducting administrative adjudication  
3 proceedings, administrative hearing officers shall have  
4 successfully completed a formal training program that includes  
5 the following:

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

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

10 (3) observation of administrative hearings; and

11 (4) participation in hypothetical cases, including  
12 ruling on evidence and issuing final orders.

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

16 (d) A proceeding before a code hearing unit shall be  
17 instituted upon the filing of a written pleading by an  
18 authorized official of the county or participating unit of  
19 local government.

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

21 (55 ILCS 5/5-43025)

22 Sec. 5-43025. Administrative hearing proceedings.

23 (a) Any ordinance establishing a system of administrative  
24 adjudication, pursuant to this Division, shall afford parties  
25 due process of law, including notice and opportunity for

1 hearing. Parties shall be served with process in a manner  
2 reasonably calculated to give them actual notice, including, as  
3 appropriate, personal service of process upon a party or its  
4 employees or agents; service by mail at a party's address; or  
5 notice that is posted upon the property where the violation is  
6 found when the party is the owner or manager of the property.  
7 In counties with a population under 3,000,000, if the notice  
8 requires the respondent to answer within a certain amount of  
9 time, the county or participating unit of local government must  
10 reply to the answer within the same amount of time afforded to  
11 the respondent.

12 (b) Parties shall be given notice of an adjudicatory  
13 hearing that includes the type and nature of the code violation  
14 to be adjudicated, the date and location of the adjudicatory  
15 hearing, the legal authority and jurisdiction under which the  
16 hearing is to be held, and the penalties for failure to appear  
17 at the hearing.

18 (c) Parties shall be provided with an opportunity for a  
19 hearing during which they may be represented by counsel,  
20 present witnesses, and cross-examine opposing witnesses.  
21 Parties may request the hearing officer to issue subpoenas to  
22 direct the attendance and testimony of relevant witnesses and  
23 the production of relevant documents. Hearings shall be  
24 scheduled with reasonable promptness, except that for hearings  
25 scheduled in all non-emergency situations, if requested by the  
26 defendant, the defendant shall have at least 15 days after

1 service of process to prepare for a hearing. For purposes of  
2 this subsection (c), "non-emergency situation" means any  
3 situation that does not reasonably constitute a threat to the  
4 public interest, safety, or welfare. If service is provided by  
5 mail, the 15-day period shall begin to run on the day that the  
6 notice is deposited in the mail.

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

8 (55 ILCS 5/5-43035)

9 Sec. 5-43035. Enforcement of judgment.

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

19 (b) After expiration of the period in which judicial review  
20 under the Illinois Administrative Review Law may be sought for  
21 a final determination of a code violation, unless stayed by a  
22 court of competent jurisdiction, the findings, decision, and  
23 order of the hearing officer may be enforced in the same manner  
24 as a judgment entered by a court of competent jurisdiction.

25 (c) In any case in which a defendant has failed to comply

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



1 (c-5) A default in the payment of a fine or penalty or any  
2 installment of a fine or penalty may be collected by any means  
3 authorized for the collection of monetary judgments. The  
4 state's attorney of the county in which the fine or penalty was  
5 imposed may retain attorneys and private collection agents for  
6 the purpose of collecting any default in payment of any fine or  
7 penalty or installment of that fine or penalty. Any fees or  
8 costs incurred by the county or participating unit of local  
9 government with respect to attorneys or private collection  
10 agents retained by the state's attorney under this Section  
11 shall be charged to the offender.

12 (d) Upon being recorded in the manner required by Article  
13 XII of the Code of Civil Procedure or by the Uniform Commercial  
14 Code, a lien shall be imposed on the real estate or personal  
15 estate, or both, of the defendant in the amount of any debt due  
16 and owing the county for a violation of a county ordinance, or  
17 the participating unit of local government for a violation of a  
18 participating unit of local government's ordinance, under this  
19 Section. The lien may be enforced in the same manner as a  
20 judgment lien pursuant to a judgment of a court of competent  
21 jurisdiction.

22 (e) A hearing officer may set aside any judgment entered by  
23 default and set a new hearing date, upon a petition filed  
24 within 21 days after the issuance of the order of default, if  
25 the hearing officer determines that the petitioner's failure to  
26 appear at the hearing was for good cause or at any time if the

1 petitioner establishes that the county for a violation of a  
2 county ordinance, or the participating unit of local government  
3 for a violation of a participating unit of local government's  
4 ordinance, did not provide proper service of process. If any  
5 judgment is set aside pursuant to this subsection (e), the  
6 hearing officer shall have authority to enter an order  
7 extinguishing any lien that has been recorded for any debt due  
8 and owing the county for a violation of a county ordinance, or  
9 the participating unit of local government for a violation of a  
10 participating unit of local government's ordinance, as a result  
11 of the vacated default judgment.

12 (Source: P.A. 99-18, eff. 1-1-16.)

13 (55 ILCS 5/5-43040)

14 Sec. 5-43040. Impact on existing administrative  
15 adjudication systems. This Division does not affect the  
16 validity of systems of administrative adjudication that were  
17 authorized by State law, including home rule authority, and in  
18 existence before July 29, 2010 (the effective date of Public  
19 Act 96-1386) ~~this amendatory Act of the 96th General Assembly.~~

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

21 (55 ILCS 5/5-43045)

22 Sec. 5-43045. Impact on home rule authority. This Division  
23 does not preempt counties or participating units of local  
24 government from adopting other systems of administrative

1 adjudication pursuant to their home rule powers.

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