

CHAPTER 15
CODE HEARING DEPARTMENT

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15.01 ADOPTION OF STATE STATUTES

That 65 ILCS 5/1-2.1-1, *et seq.*, Administrative Adjudications, is hereby adopted in its entirety and any person charged with the violation of a Village ordinance may be prosecuted under and in accordance with the provisions herein. However, the Village may use other methods to enforce Village ordinances.

15.02 CODE HEARING DEPARTMENT

A Code Hearing Department is established for the Village to adjudicate any violation of Village ordinances, except for moving violations, under the Illinois Vehicle Code (Chapter 625 of the Illinois Compiled Statutes) and any reportable offenses pursuant to 625 ILCS 5/6-204.

15.03 COMPLIANCE ADMINISTRATORS

Individuals authorized to issue Code violations are any and all police officers, the building commissioner, building code inspectors and any other person appointed by the Chief of Police to issue Code violations. These individuals shall be called Compliance Administrators.

15.04 HEARING OFFICER

A. APPOINTMENT: The President, with advice and consent of the Board of Trustees, shall appoint a Hearing Officer to hear contested hearings under this Chapter.

B. POWERS AND DUTIES: The powers and duties of the Hearing Officer shall include:

1. Hearing testimony and accepting evidence that is relevant to the existence of the Code violation;
2. Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;

3. Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing;
4. Issuing a determination, based on the evidence presented at the hearing, of whether a Code violation exists. The determination shall be in writing and shall include a written finding of fact, decision and order including the fine, penalty or action with which the defendant must comply; and
5. Imposing penalties consistent with applicable Code provisions and assessing a \$50 fee upon finding a party liable for the charged violation. However, in no event shall the Hearing Officer have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000, or at the option of the Village, such other amount not to exceed the maximum amount established by the Mandatory Arbitration System as prescribed by the Rules of the Illinois Supreme Court from time to time for the 22nd Judicial Circuit. The maximum monetary fine under this Section shall be exclusive of costs of enforcement or costs imposed to secure compliance with the Village's ordinances, including, but not limited to, any late penalty or collection cost, and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village.
6. Every Hearing Officer must be an attorney licensed to practice law in the State for at least 3 years.

C. TRAINING: Prior to conducting proceedings under this Chapter, Hearing Officers shall successfully complete a formal training program that includes the following:

1. Instruction on the Rules of Procedure of the hearings which they will conduct;
2. Orientation to each subject area of the code violations they will adjudicate;
3. Observation of administrative hearings; and
4. Participation in hypothetical cases, including ruling of evidence and issuing final orders.

15.05 RULES APPLICATION TO ALL CODE VIOLATIONS

A. A proceeding before the Code Hearing Department shall be instituted upon filing a written pleading by an authorized official

of the Village, who shall have 15 days after service of process to preparing for the hearing in all non-emergency situations.

B. HEARING: Any person receiving a violation shall have an opportunity for a hearing in which a party may contest the merits of the alleged violation. A hearing, for purposes of this section, shall include, without limitation, access to an internet-based portal wherein text entry and documentation may be provided in advance to the Hearing Officer. Persons appearing at the hearing may be represented by counsel at their own expense. At the hearing, a Hearing Officer shall preside and hear testimony and accept evidence as to the existence or non-existence of a Code violation.

C. DETERMINATION OF LIABILITY: A final determination of liability shall occur after the Hearing Officer's determination of liability and the exhaustion or failure to exhaust the administrative review procedure provided in this Chapter. The Hearing Officer's determination of liability shall become final (i) upon denial of a timely petition to set aside that determination, or (ii) upon expiration of the period for filing the petition without such filing having been made.

D. DEFAULT: If the defendant or his attorney fails to appear at the scheduled hearing, the Hearing Officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the Code violation.

E. RULES OF EVIDENCE: The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter. Documentary evidence, including the notice of violation, citation, and attached exhibits, may be presented to the hearing officer. The hearing officer shall take facts stated in a charging document as prima facie accurate to the full extent allowed by law, including, but not limited to, 625 ILCS 5/11-208.6.

F. DETERMINATION: At the conclusion of the hearing, the Hearing Officer shall make a determination based upon the evidence presented. The determination shall be in writing. The findings, decision and order shall include:

1. The Hearing Officer's finding of facts;
2. A decision whether or not the Code violation exists based upon the finding of facts;
3. An An order that states the sanction, including any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, and collection cost found in any section of the Code that is due the Village, or dismisses the case if a violation if not proven.

A copy of the findings, decision and order shall be served on the defendant within five days after it is issued.

G. VACATION OF DEFAULT: A petition to set aside a determination of liability may be filed by a person owing an unpaid fine or penalty and shall be filed within 30 days of the finding of liability and ruled upon by the Hearing Officer within 30 days thereafter. If the determination of violation liability is set aside based upon a showing of just cause, the person owing the unpaid fine or penalty shall be provided with a hearing on the merits for the violation.

H. CIRCUIT COURT REVIEW: The findings, decision, and order of the Hearing Officer shall be subject to review in the 22nd Judicial Circuit Court. The provisions of the Administrative Review Law, and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decision and order of a Hearing Officer under this Chapter.

I. OUTSTANDING PENALTIES: Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village, and, as such, may be collected in accordance with applicable law.

15.06 AUTOMATED TRAFFIC LAW VIOLATIONS

Section 41.14, Automated Traffic Law Enforcement, of this Code shall be subject to the procedures of this Chapter.

15.07 FINES APPLICABLE TO ALL OFFENSES

The following ordinance violations may be heard in an administrative adjudication as set forth in this Chapter and shall carry the following fines:

Section or Chapter	Offense	Minimum Fine	Maximum Fine
Chapter 6	Streets	25.00	750.00
Chapter 7	Sewerage System	25.00	750.00
Section 8.02	Protection of Park Property	100.00	250.00
Section 8.03	Vehicles, Operation	100.00	250.00
Section 8.04	Motorized Vehicles	100.00	250.00
Section 8.06	Parking	100.00	750.00
Section 8.07	Firearms and Weapons	25.00	750.00
Section 8.08	Alcoholic Beverages	25.00	750.00
Section 8.09	Advertising and Signs	25.00	750.00
Section 8.10	Use of Park Area	25.00	750.00
Section 8.11	Fires	25.00	750.00
Section 8.12	Group Activity	25.00	750.00
Section 8.13	Swimming	25.00	750.00

Section or Chapter	Offense	Minimum Fine	Maximum Fine
Section 8.14	Restrooms and Washrooms	25.00	750.00
Section 8.15	Operating Policy	25.00	750.00
Section 8.19	Skate Park Facilities Use	50.00	750.00
Chapter 10	Lakes and Beaches	50.00	750.00
Section 12.03	Abatement of Public Nuisances	25.00	750.00
Section 12.08	Open Burning and Recreational Fires	100.00	750.00
Section 12.09	False Alarms	50.00	750.00
Section 12.11	Business Property Debris	25.00	750.00
Chapter 13	Solid Waste, Landscape Waste and Recycling	25.00	750.00
Chapter 14	Dogs and Other Animals	50.00	750.00
Chapter 16	Cross-Connection Control Rules and Regulations	50.00	750.00
Chapter 19	Residential Disclosure Statements and Homebuyer Information	100.00	750.00
Chapter 22	Zoning	50.00	750.00
Chapter 23	Subdivisions	25.00	750.00
Chapter 24	Building Code	150.00	750.00
Chapter 25	Construction of Utility facilities in the right of way	0.00	750.00
Chapter 26	Airport Hazard Zoning Regulation	100.00	750.00
Chapter 31	Garage Sales and Raffles	25.00	250.00
Chapter 32	Business Regulations	50.00	250.00
Chapter 35	Solicitation	100.00	500.00
Chapter 36	Taxicabs	25.00	250.00
Chapter 38	Building Contractor Licensing	100.00	750.00
Chapter 41	Traffic except: paragraphs 1-100, 11-200, 12-100, 15-100, 16-101, 10.101, 6-303, 11-501(a) (1), (2), (3) and (4) and 6-11-501(a) (1), (2), (3) and (4) and Sections 41.07 and 41.14	25.00	750.00
Section 41.07	Persons With Disabilities-Parking Privileges-Exceptions	100.00	250.00
Section 41.14	Automated Traffic Law Enforcement	100.00	200.00
Chapter 43	Offenses Against Public Peace, Safety and Morals (except Section 43.06)	100.00	750.00
Section 43.06	Fireworks	500.00	750.00
Chapter 45	Potable Water	50.00	750.00
Chapter 47	Personal Wireless Service Facilities	50.00	750.00
Chapter 48	Hazardous Materials Response	500.00	750.00
Chapter 49	Comprehensive Stormwater Management	100.00	750.00
Chapter 50	Floodplains	50.00	750.00
Chapter 51	Administrative Penalty-Vehicle Impoundment and Bail Bond Fee	100.00	250.00
Chapter 54	Stormwater Protection	0.00	750.00

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