
THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER 2016-002

**AN ORDINANCE AMENDING CHAPTER 11 OF TITLE I OF THE CODE
OF ORDINANCES FOR THE
CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS.**

DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk

1st Ward TOM HAWLEY
2nd Ward LETICIA VIEYRA
3rd Ward NANCY RITA
4th Ward CANDACE CARR
5th Ward JANICE OSTLING
6th Ward DEXTER JOHNSON
7th Ward NANCY THOMPSON

GEORGE POULOS
FRED BILOTTO
KEVIN DONAHUE
ALECIA SLATTERY
KENNETH PITTMAN
JAIRO FRAUSTO
JAMES JOHANSON

Aldermen

ORDINANCE NO. 2016-002

AN ORDINANCE AMENDING CHAPTER 11 OF TITLE I OF THE CODE OF ORDINANCES FOR THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS

BE IT ORDAINED by the Mayor and City Council of the City of Blue Island, Cook County, Illinois (the “City”), as follows:

SECTION ONE

The following amendments are to be made to Chapter 11 of Title I of the Blue Island Code of Ordinances, governing administrative adjudication, with insertions as indicated by underlined text and deletions as indicated by stricken text:

CHAPTER 11: ADMINISTRATIVE ADJUDICATION OF CODE VIOLATIONS

Section

- 11.01 Adoption
- 11.02 Definitions
- 11.03 Code Hearing Department
- 11.04 Hearing procedures not exclusive
- 11.05 Instituting code hearing proceedings
- 11.06 Subpoenas; defaults
- 11.07 Continuances; representation at code hearings
- 11.08 Hearing; evidence
- 11.09 Hearing Officers; qualifications
- 11.10 Findings, decisions and orders; judgements
- 11.11 Review under Administrative Review Law
- 11.12 Impact on existing administrative adjudication systems
- 11.13 Effective date

' 11.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE. Any municipal ordinance, except for:

~~(1) Building Code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as may be amended from time to time; and~~

~~(2) Any any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under ' 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).~~

' 11.01 ADOPTION.

The city hereby adopts Div. 2.2 of ILCS Ch. 65, Act 5 (65 ILCS 5/1-2.2-1 et seq.) in its current form and as it may be amended from time to time for adjudication of municipal code violations to the extent permitted by the State Constitution.
(Ord. 06-019, passed 3-8-2006)

HEARING OFFICER. An independent contractor retained by the City ~~municipal employee or an officer or agent of the city, other than a law enforcement officer,~~ whose duty it is to:

(1) Preside at an administrative hearing called to determine whether or not a code violation exists;

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(2) Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;

(3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and

(A) Creation. There is hereby established a Code Hearing Department in the city's government. The function is to expedite the prosecution and correction of code violations in the manner set forth in this chapter.

(B) Adjudication. The Code Hearing Department may adjudicate any violation of a municipal ordinance, ~~except for including~~

~~(1) Building building Code code violations that must be adjudicated pursuant to Div. 31.1 of 65 ILCS 5/11-31.1 et seq. in its current form and as amended from time to time; but not and~~

~~(2) Any any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under ' 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).~~
(Ord. 06-019, passed 3-28-2006)

(C) Ordinance Enforcement Administrator. The ordinance enforcement administrator is authorized and directed to:

(1) Operate and manage the system of administrative adjudication of City ordinance violations as may be permitted by law and directed by ordinance.

(2) Adopt, distribute, and process all notices as may be required under this chapter or as may be reasonably required to carry out the purpose of this chapter.

(3) Collect monies paid as fines and/or penalties assessed after a final determination of liability.

(4) Issue and sign a written finding, decision and order stating whether a code violation exists.

(Ord. 06-019, passed 3-28-2006)

' 11.03 CODE HEARING DEPARTMENT.

(4) Certify copies of final determinations of an ordinance violation adjudicated pursuant to this chapter, and any factual reports verifying the final determination of any violation liability which was issued in accordance with this chapter, the laws of the State of Illinois, including 625 Illinois Compiled Statutes ("ILCS") 5/11-208.3, as from time to time amended.

(5) Certify reports to the Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this chapter as hereinafter set forth, and those of 625 Illinois Compiled Statutes 5/6-306.5.

(6) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.

(4)(7) Collect unpaid fines and penalties through private collection agencies and pursuit of all post-judgment remedies available by current law.

(D) System Coordinator/Computer Operator. The system coordinator/computer operator is hereby authorized and directed to operate and maintain the computer programs for the administrative adjudication system of the United City of Yorkville ordinance enforcement department hereby created, on a day to day basis, including, but not limited to:

(1) Input of violation notice information.

(2) Establishing court dates and notice dates.

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- (3) Record fine and penalty assessment and payments.
- (4) Issue payment receipts.
- (5) Issue succeeding notice of hearing dates and/or final determination of liability; issue notice of immobilization; issue notice of impending impoundment; issue notice of impending driver's license suspension, as directed by the ordinance enforcement administrator in accordance with the provisions hereinafter set forth.
- (6) Keep accurate records of appearances and nonappearances at administrative hearings, pleas entered, judgments entered, sanctions imposed, if any, fines and penalties assessed and paid.

11.04 HEARING PROCEDURES NOT EXCLUSIVE.

This chapter does not preclude the city from using other methods to enforce the provisions of its code.
(Ord. 06-019, passed 3-28-2006)

11.05 INSTITUTING CODE HEARING PROCEEDINGS.

(A) When a police officer or other individual authorized to issue a code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates the name and address of the defendant, the type and nature of the violation, the date and time the violation was observed and the names of the witnesses of the violation.

(B) The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30, nor more than 40, days after the violation is reported.

(C) One copy of the violation report form shall be maintained in the files of the Code Hearing

Department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the city in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.

(Ord. 06-019, passed 3-28-2006)

(D) Service of any violation notice shall be made by the person issuing such notice:

- (1) In the case of violation of the City motor vehicle code, service shall be made by:
 - (a) Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle, unstickered vehicle, or vehicle violating any compliance regulation;
 - (b) Handing the notice to the registered owner, operator, or lessee of the vehicle, if present; or,
 - (c) Mailing the notice by first class mail to the person responsible for the ordinance violation, along with a summons commanding the individual to appear at the hearing.
- (2) In the case of any ordinance violation other than the City motor vehicle code, service shall be made by:
 - (a) A personal service upon a party, the party's employee or agent.
 - (b) First class mail along with a summons commanding the owner to appear at the hearing; or,
 - (c) If the name of the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or nailing a copy of

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the notice on the front door of the structure where the violation is found.

- (3) The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:

(a) Signing his/her name to the notice at the time of issuance; or,

(b) In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the ordinance enforcement administrator, attesting to the correctness of all notices produced by the device while under his/her control.

- (4) The original or a facsimile of the violation notice shall be retained by the ordinance enforcement administrator and kept as a record in the ordinary course of business.

- (5) Any violation notice issued, signed, and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

11.06 SUBPOENAS; DEFAULTS.

At any time prior to the hearing date, the Hearing Officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If, on the date set for the hearing, the defendant or his or her attorney fails to appear, the Hearing Officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation. (Ord. 06-019, passed 3-28-2006)

11.07 CONTINUANCES; REPRESENTATION AT CODE HEARINGS.

(A) Continuances. No continuances shall be authorized by the Hearing Officer in proceedings under this chapter, except in cases where a continuance

is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer under this chapter shall not exceed 25 days.

(B) Representation at hearing. The case for the city may be presented by an attorney designated by the city or by any other municipal employee; except that, the case for the city shall not be presented by any employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, his or her attorney or any other agent or representative of the defendant.

(Ord. 06-019, passed 3-28-2006)

(C) Failure to Appear.

- (1) If on the dates set for the hearing the alleged violator or his or her attorney or designee fails to appear, the hearing officer may find the alleged violator in default and shall proceed with the hearing and accept evidence relevant to the existence of a Code violation.

- (2) Upon finding the alleged violation in default, the ordinance enforcement and code hearing administrator shall send or cause to be sent notices by first class mail, postage prepaid to the violator who received the notice of an ordinance violation. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

- (3) Upon failure of the person receiving a notice of a violation to appear at the time and date designated for a hearing in the case of a violation of the City motor vehicle code and failure of the registered owner, operator, or lessee of the "cited vehicle" to pay the fine in full as stated on said notice, the ordinance enforcement administrator shall send or cause to be sent notices by first class mail, postage prepaid to the person who received the notice; or, the violation of the City motor vehicle code, the registered owner or operator of the "cited vehicle" at the address as is recorded with the Secretary of State, and shall be sent to the lessee of the "cited vehicle" at the

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address last known to the lessor of the "cited vehicle" at the time of the lease. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

- (4) A hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within twenty-one (21) days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the municipality did not provide proper service of process. If any judgment is set aside pursuant to this subsection (d), the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the municipality as a result of the vacated default judgment.

' 11.08 HEARING; EVIDENCE.

~~(A) At the hearing, a Hearing Officer shall preside, shall hear testimony and shall accept any evidence relevant to the existence or non-existence of a code violation.~~

(A) An administrative hearing shall be held for the following:

- (1) To adjudicate any alleged ordinance violation on its merits.

- ~~(1)(2)~~ To contest the validity of a notice of impending immobilization or impending impoundment, or, the validity of a notice of impending driver's license suspension. The hearing shall be granted to the registered owner or operator of the "cited vehicle", pursuant to 625 Illinois Compiled Statutes 5/11-208.3 or the lessee of the "cited vehicle", 625 Illinois Compiled Statutes 5/11-1306, incorporated herein by reference, and at the date, time and place as is set forth by the ordinance enforcement administrator and served upon the registered owner, operator, or lessee for hearings contesting the validity of notices of impending

immobilization or impending impoundment or driver's license suspension.

(B) All administrative hearings shall be recorded and shall culminate in a determination of liability or non-liability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Evidence including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this chapter.
(Ord. 06-019, passed 3-28-2006)

' 11.09 HEARING OFFICERS; QUALIFICATIONS.

(A) 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 hearing that they will conduct;
- (2) Orientation to each subject area of the code violations that they will administer;
- (3) Observation of administrative hearings; and
- (4) Participation in hypothetical cases, including rules on evidence and issuing final orders.

(B) In addition, every Hearing Officer must be an attorney licensed to practice law in the state for at least three years.
(Ord. 06-019, passed 3-28-2006)

' 11.10 FINDINGS, DECISIONS AND ORDERS; JUDGEMENTS AND ENFORCEMENT.

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(A) Written determination. At the conclusion of the hearing, the Hearing Officer shall issue a written ~~make a determination~~ on the basis of the evidence presented at the hearing as to whether or not a code violation exists and such determination shall be designated as the findings, decision and order and shall include: -

~~(B) The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include:~~

(1) The Hearing Officer's findings of fact;

(2) A decision of whether or not a code violation exists based upon the findings of fact; and

(3) An order that states the sanction and costs imposed, which costs are debts due and owing the City, or dismisses the case if a violation is not proved. A monetary sanction for a violation under this chapter shall not exceed the amount provided for in 65 ILCS 5/1-2-1 in its current form and as amended from time to time.

(4) A warning that failure to pay may result in prosecution of the case by the City Attorney, referral to a collection agency, filing of a lien upon property and/or personal estate, and/or suspension of drivers licenses for ten (10) or more unpaid citations pursuant to the applicable state statute.

(~~B~~) Service of order. A copy of the findings, decision and order shall be served on the defendant within five days after it is issued. Service shall be in the same manner that the report form and summons are served under ' 11.05 of this chapter.

(~~D~~) Payment. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the code, unless the corporate authorities adopting this chapter provide otherwise.

(~~E~~) Failure to pay fine, sanction or costs. A 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, 735 ILCS 5/3-101 et seq. shall be a debt

due and owing the city and, as such, may be collected in accordance with applicable law.

(~~F~~) Enforcement of judgment. After expiration of the period within which judicial review under the Administrative Review Law (735 ILCS 5/3-101 et seq.) may be sought for a final determination of the code violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(~~F~~) After expiration of the period within which judicial review under the Administrative Review Law, 735 ILCS 5/3-11 et seq. may be sought for a final determination of the code violation, the city may commence a proceeding in the Circuit Court of the county in which the city is located for purpose of obtaining a judgment on the findings, decision and order. Petition for entry of judgment in circuit court. Nothing herein shall restrict the City from commencing a proceeding in the Circuit Court of the county in which the city is located for the purpose of obtaining a judgment on the findings, decision and order.

(~~G~~) Nothing in this section shall prevent the city from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the city shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this chapter and the applicable municipal ordinances.

(~~H~~) Service of the summons and a copy of the petition may be by any method; provided that, the total amount of fines, other sanctions and costs imposed by the findings, decision and order does not exceed \$2,500.

(~~I~~) If the Court is satisfied that the findings, decision and order was entered in accordance with the requirements of this chapter and the applicable city ordinance and that the defendant

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had an opportunity for a hearing under this chapter and for judicial review as provided in this chapter:

(+a) The Court shall render judgment in favor of the city and against the defendant for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money; and

(2b) The Court may also issue any other orders and injunctions that are requested by the city to enforce the order of the Hearing Officer to correct a code violation.

(Ord. 06-019, passed 3-28-2006)

(G) Expenses of enforcement. In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by a municipality to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the municipality and may be collected in accordance with applicable law.

Prior to any expenses being fixed by a hearing officer pursuant to this subsection, the municipality shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven (7) days from the date that notice is served. If notice is served by mail, the seven-day period shall begin to run on the date that the notice was deposited in the mail.

(H) Liens. Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both,

of the defendant in the amount of any debt due and owing the municipality under this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(I) Order and Sanction Attach to Property. In the case of a building code violation only, the order to correct a building code violation and the sanctions imposed by the City as the result of a finding of a building code violation under this section shall attach to the property as well as to the property owner so that a finding of a building code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this article.

' 11.11 REVIEW UNDER ADMINISTRATIVE REVIEW LAW.

The findings, decision and order of the Hearing Officer shall be subject to review in the Circuit Court of the county in which the city is located. The provisions of the Administrative Review Law, 735 ILCS 5/3-11 et seq. and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decisions and order of a Hearing Officer under this chapter.

(Ord. 06-019, passed 3-28-2006)

' 11.12 IMPACT ON EXISTING ADMINISTRATIVE ADJUDICATION SYSTEMS.

This chapter shall not affect the validity of systems of administrative adjudication that were authorized by state law, including the city ordinances and in existence prior to the effective date of this chapter.

(Ord. 06-019, passed 3-28-2006)

' 11.13 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and

Administrative Adjudication of Code Violations

complete copy of this chapter shall be published in pamphlet form, by authority of the City Council as corporate authorities.

(Ord. 06-019, passed 3-28-2006)

Administrative Adjudication of Code Violations**SECTION TWO**

This ordinance and the amendments contained herein shall be in full force and effect upon the date of passage or as otherwise required by law and shall supersede all ordinances, or parts thereof, in conflict herewith. All other provisions of the aforementioned chapter shall remain unchanged and in full force and effect except for the provisions amended herein.

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATE

I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

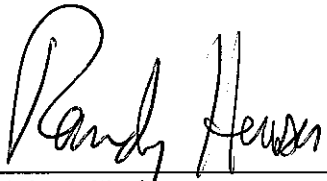
I further certify that on **February 9, 2016** the Corporate Authorities of such municipality passed and approved Ordinance No. **2016 - 002** entitled: **AN ORDINANCE AMENDING CHAPTER 11 OF TITLE I OF THE CODE OF ORDINANCES FOR THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2016 – 002** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **February 9, 2016** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **9th** day of **February, 2016.**

(SEAL)

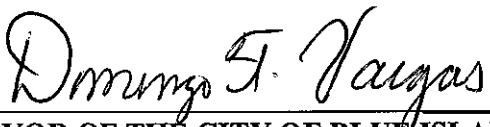


Municipal Clerk

ADOPTED this 9th day of February, 2016, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Hawley	X				
Alderman Poulos	X				
Alderman Vieyra	X				
Alderman Bilotto	X				
Alderman Rita	X				
Alderman Donahue	X				
Alderman Carr	X				
Alderman Slattery	X				
Alderman Ostling	X				
Alderman Pittman	X				
Alderman Johnson	X				
Alderman Frausto	X				
Alderman Thompson	X				
Alderman Johanson	X				
Mayor Vargas					
TOTAL	14				

APPROVED by the Mayor on February 9, 2016.


**MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS**

ATTESTED and **Filed** in my office this

9th day of February, 2016.


CITY CLERK

PUBLISHED in pamphlet form this

9th day of February, 2016


CITY CLERK