

**VILLAGE OF CAMPTON HILLS  
AN ORDINANCE AMENDING AND RESTATING TITLE 8  
OF THE VILLAGE CODE, ADMINISTRATIVE ADJUDICATION**

**WHEREAS**, the Village of Campton Hills (hereinafter the "Village"), pursuant to 65 ILCS 5/1-2.2-1 *et seq.* of the Illinois Municipal Code, may enact a system of administrative adjudication to adjudicate violations of its municipal ordinances, except for Building Code violations enforceable under 65 ILCS 5/11-31.1-1 *et seq.* and offenses under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles, and except for any reportable offenses under Section 6-204 of the Illinois Vehicle Code; and

**WHEREAS**, the Village, pursuant to 65 ILCS 5/11-31.1-1 *et seq.* of the Illinois Municipal Code, may enact a system of administrative adjudication to adjudicate violations of regulations related to Village ordinances, law, housing or building codes or zoning ordinances that establish construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in the Village or any Village ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable vehicles or the abatement of nuisances from private property; and

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois that:

**Section 1.** Title 8 of the Village Code of the Village of Campton Hills entitled "Administrative Adjudication" is hereby amended and restated to provide as follows:

**TITLE 8**

**CHAPTER 1**

**ADMINISTRATIVE ADJUDICATION**

8-1-1 **ADMINISTRATIVE ADJUDICATION OF MUNICIPAL CODE VIOLATIONS**

The Village of Campton Hills, pursuant to authority of 65 ILCS 5/1-2.2-1 *et seq.* and 65 ILCS 5/11 - 31.1-1 *et seq.* hereby establishes the procedure of a system of administrative adjudication for the adjudication of the Village's Code violations, including Building Code violations, to the extent permitted by the Illinois Constitution. As used in this Chapter, a "system of administrative adjudication" means the adjudication of any violation found in the Village of Campton Hills Code including Building Code Violations except for any offense under the Illinois Vehicle Code, or any similar

offense that is a traffic regulation governing the movement of vehicles and except for any reportable offenses under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).

### 8-1-2 Definitions:

As used in this Chapter, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended:

**Building Code** means any Village ordinance, law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in the Village or any Village ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable vehicles or the abatement of nuisances from private property.

**Code** means, unless the context requires otherwise, any Village code or ordinance, including any Building Code violation, as defined in this Section, except for any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for a reportable offense under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204).

**Property Owner** means the legal or beneficial owner of a structure.

### 8-1-3 ADMINISTRATIVE ADJUDICATION PROCEDURES NOT EXCLUSIVE

The adoption by the Village of a system of administrative adjudication procedures does not preclude the Village from using other methods to enforce municipal ordinances, including but not limited to, relief in the Circuit Court for the Sixteenth Judicial Circuit, Kane County, Illinois.

### 8-1-4 CODE HEARING DIVISION

- A. There is hereby established a Code Hearing Division in the Village. The Code Hearing Division shall have the jurisdiction to adjudicate any violation of any Village of Campton Hills Code (previously and hereinafter referred to as "Code Violations" including Building Code Violations except for any offense under the Illinois Vehicle Code or any similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offenses under Section 6-204 of the Illinois Vehicle Code (625 ILCS 5/6-204);
- B. Adjudicatory Hearings shall be presided over by a hearing officer. 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 violations;

2. Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon request of the parties or their representatives;
  3. Preserving and authenticating the record of the hearing and all the 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 the applicable code provisions and assessing costs upon finding a party liable for the charged violation, except, however, that in no event shall the hearing officer have the authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$750.00 for each violation.
- C. Prior to conducting the administrative adjudication proceedings, the hearing officer shall have successfully completed a formal training program, which includes the following:
1. Instructions on rules of procedure of the administrative hearings which they will conduct;
  2. Orientation to each subject area of the code violations that they will adjudicate;
  3. Observation of administrative hearings; and
  4. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

In addition, the hearing officer must be an attorney who has been licensed to practice law in the State of Illinois for at least three years.

8-1-5

## **INSTITUTING CODE HEARING PROCEEDINGS**

- A. When the Village Zoning Officer, Village Code Compliance Officer or other individual authorized to issue a code violation makes a determination of a code violation, he or she shall note the violation on a multiple copy violation notice and report form that indicates (i) the name

and address of the defendant, (ii) the type and nature of the violation, (iii) the date and time the violation was observed, (iv) the names of witnesses to the violation and (v) in the case of a Building Code violation, the address of the property where the violation was observed. The violation report form shall be forwarded to the code hearing division 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 notice is served. One copy of the violation notice and report form shall be maintained in the files of the code hearing division and shall be part of the record of the hearing, one copy of the report form shall be returned to the individual representing the Village 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 either in person or by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing. In regard to a building code violation, if the name of the property owner cannot be ascertained or if the service cannot be made by mail, service may be made on the owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.

B. Parties shall be given notice of an adjudicatory hearing which includes the type and nature of the code violation to be adjudicated, the date and location of the adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing.

C. Parties shall be provided with an opportunity to give testimony at the adjudicatory hearing and may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the hearing officer to issue subpoenas to direct attendance and testimony of relevant witnesses and the production of relevant documents.

#### 8-1-6 **RULES OF EVIDENCE SHALL NOT GOVERN**

The formal and technical rules of evidence do not apply in the Adjudicatory hearing permitted under this Chapter. Evidence, including hearsay, may be admitted only if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

#### 8-1-7 **SUBPOENAS AND 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 witness to appear and give testimony at the hearing. If on the date set for 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.

**8-1-8 CONTINUANCES**

No continuance 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 parties. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Chapter shall not exceed twenty-five (25) days.

**8-1-9 RIGHTS OF OCCUPANTS**

In the case of a Building Code violation only, no action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

**8-1-10 DEFENSES TO BUILDING CODE VIOLATIONS**

It shall be a defense to a building code violation charged under this Chapter if the owner, his or her attorney, or any other agent or representative proves to the hearing officer's satisfaction that:

- A. The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;
- B. The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations; and
- C. An occupant or resident of the dwelling has refused entry to the owner or his or her agent to all or part of the dwelling for the purpose of correcting the code violation.

**8-1-11 FINDINGS, DECISION, AND ORDER**

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 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 on the

findings of fact, and an order that states the sanction which may include an order to correct the violation, or dismisses the case if a violation is not proved. In the case of a Code violation other than a Building Code violation, if a violation is proved, a monetary sanction shall not exceed the amount provided for in Section 1-2-1 of the Illinois Municipal Code (65 ILCS 5/1-2-1), currently \$750.00. In the case of a Building Code violation, if a code violation is proved, the order may, also, impose the sanctions that are provided in the code for the violation proved. A copy of the findings, decision and order shall be served on the owner or defendant within 5 days after they are issued. Service shall be made by First Class Mail.

**8-1-12 SANCTIONS APPLICABLE TO OWNER**

The order to correct a code violation and the sanctions imposed by the Village as a result of a finding of a code violation under this Chapter shall attach to the property as well as to the owner of the property, so that a finding of a 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 Chapter.

**8-1-13 RENTAL PROPERTY OWNERS**

- A. The owner of a building located in the Village in Kane County who, directly or indirectly, had collected, or caused to be collected, rentals from an occupant of that building during a period in which the number of apartments or family units in that building exceeded the number permitted for that building by an Ordinance of the Village, is liable to any such occupant in an amount equal to not more than 3 times the amount of any rentals paid by any such occupant, or in his or her behalf, together with court costs and reasonable attorney's fees. If the occupant is a recipient of public aid under Article III, IV, or VI of the "Illinois Public Aid Code", approved April 11, 1967, as amended, in whose behalf vendor payment of the rental was made by the Illinois Department of Public Aid, the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act), or a local governmental unit, as the case may be, the liability as herein provided is to the Illinois Department of Public Aid, the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act), or the local governmental unit making the vendor payment of the rental.
- B. For the purposes of this section:

(1) "Owner" means the legal or beneficial owner of a building.

(2) "Family Unit" means a room or group of rooms used or intended to be used as a housekeeping unit for living, sleeping, cooking and eating. The fact that any such family unit is used or intended to be used for cooking or eating accommodations in common with another family unit in any such building does not preclude liability hereunder.

- C. No liability accrues under this Section until 30 days after the owner of record of a building has been notified in writing that such owner is in violation of any such Village Ordinance. Such notice shall be personally served upon such owner of record or sent by registered mail to the last know address of such owner.

**8-1-14 JUDICIAL REVIEW**

Any final decision by a hearing officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law and all amendments and modifications thereto.

**8-1-15 ENFORCEMENT OF JUDGMENT**

- A. 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 Illinois Administrative Review Law are debt due and owing to the Village and may be collected in accordance with applicable law.
- B. After expiration of the period within which judicial review under Administrative Review Law may be sought for a final determination of the code violation, the Village may commence a proceeding in the Circuit Court of the Sixteenth Judicial Circuit, Kane County, Illinois for the purpose of obtaining a judgment on the findings, decision, and order. Nothing in this Section shall prevent the Village from the consolidation of multiple findings, decisions, and orders against a person in such a proceeding.
- C. Upon commencement of an action to obtain a judgment on the findings, decisions and order, the Village 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.

- D. Service of the summons and a copy of the petition may be by any method provided for in Section 2-203 of the Code of Civil Procedure (735 ILCS 5/2-203), or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision, and order in any one proceeding does not exceed \$2,500.00.
- E. If the court is satisfied that the findings, decision, and order was entered in accordance with the requirements of this Section and the applicable Village Ordinances and that the defendant had an opportunity for a hearing under this Section and for Judicial Review as provided in this Chapter:
  - 1. The court shall render judgment in favor of the Village 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.
  - 2. The court may, also, issue any other orders and injunctions that are requested by the Village to enforce the order of the Hearing Officer to correct a Code violation.

8-1-16      **APPLICATION FOR GRANTS**

The Village may make application to the Department of Commerce and Economic Opportunity for grants to help defray the costs of establishing and maintaining a Code Hearing Division as provided in 65 ILCS 5/11-31.1-14.

8-1-17      **IMPACT ON EXISTING ADMINISTRATIVE ADJUDICATION SYSTEMS**

This Chapter shall not affect the validity of systems of administration adjudication that were authorized by State Law, including the Village of Campton Hills Ordinances, and in existence prior to the effective date of this Ordinance.

8-1-18      **SEVERABILITY**

Should a court of competent jurisdiction determine that one or more sections or subsections of this Chapter is or are invalid, the remaining sections or subsections hereof shall remain in full force and effect.

**Section 2.** This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication as required by law. Any and all Ordinances, section or subsections of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be published in pamphlet form.



**Section 2.** This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication as required by law. Any and all Ordinances, section or subsections of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be published in pamphlet form.

Passed this 16th day of February 2010 by roll call vote:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Trustee Laura Andersen	X			
Trustee Susan George	X			
Trustee Jim Kopec	X			
Trustee Albert Lenkaitis, Jr.	X			
Trustee Mike Millette	X			
Trustee John Strauss			X	
President Patsy Smith				

APPROVED THIS 20th DAY OF APRIL 2010

  
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 Patsy Smith, Village President

(SEAL)

ATTEST:   
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 Carolyn Higgins, Village Clerk

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