

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 Illinois Municipal Code is amended by  
5 changing Section 1-2.1-4 as follows:

6 (65 ILCS 5/1-2.1-4)

7 Sec. 1-2.1-4. Code hearing units; powers of hearing  
8 officers.

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

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

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

22 (2) issuing subpoenas directing witnesses to appear  
23 and give relevant testimony at the hearing, upon the

1 request of the parties or their representatives;

2 (3) preserving and authenticating the record of the  
3 hearing and all exhibits and evidence introduced at the  
4 hearing;

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

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

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

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

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

9 (3) observation of administrative hearings; and

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

12 In addition, every administrative hearing officer must be  
13 an attorney licensed to practice law in the State of Illinois  
14 for at least 3 years. A person who has served as a judge in  
15 Illinois is not required to fulfill the requirements of items  
16 (1) through (4) of this subsection.

17 (d) A proceeding before a code hearing unit shall be  
18 instituted upon the filing of a written pleading by an  
19 authorized official of the municipality.

20 (Source: P.A. 90-516, eff. 1-1-98.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.