

HB2894



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2894

by Rep. Jehan A. Gordon-Booth

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1114

from Ch. 34, par. 5-1114

Amends the Counties Code. Provides that in actions for the violation of any county ordinance, the first process shall be a summons, "a notice to appear", or a warrant. Provides that in the case of a violation of a county's building code or property maintenance code, the county's code enforcement officer may issue a notice to appear.

LRB098 10075 OMW 40234 b

A BILL FOR

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 Section
5 5-1114 as follows:

6 (55 ILCS 5/5-1114) (from Ch. 34, par. 5-1114)

7 Sec. 5-1114. Violation of ordinance.

8 (a) Except as provided in Section 10-302.5 of the Illinois
9 Highway Code or subsection (b) of this Section, in all actions
10 for the violation of any county ordinance, the first process
11 shall be a summons, a notice to appear, or a warrant. A warrant
12 or summons for the arrest of an accused person may issue from
13 the circuit court upon the affidavit of any person that an
14 ordinance has been violated, and that the person making the
15 complaint has reasonable grounds to believe that the party
16 charged is guilty thereof. Every person arrested upon a warrant
17 or summons shall be taken, without unnecessary delay, before
18 the proper judicial officer for trial.

19 (b) In the case of a violation of the property maintenance
20 code of the county by a repeat offender, service of process
21 against the owner of the property that is the subject of the
22 violation may be a notice to appear. The notice may be issued
23 by a code enforcement officer of the county where the violation

1 occurred subject to the approval of an ordinance administrator.
2 The notice to appear shall, at a minimum, state the address of
3 the property that is the subject of the code violation, the
4 language and citation of the code provision that was violated,
5 the facts that the violation is based on, the date, time, and
6 location for the appearance by the property owner, and that
7 failure to correct the violation prior to the hearing date may
8 result in a fine. The notice to appear shall be served upon the
9 property owner, either personally, or by delivery confirmation
10 mail and first class mail. The violation notice shall be sent
11 to the address where the violation is observed and to the
12 property owner's address on file with the Supervisor of
13 Assessments office. The county shall simultaneously post the
14 notice on the property where the violation occurred. The date
15 to appear shall be no sooner than 15 days after the notice is
16 served upon the owner. If the owner of the property fails to
17 appear in response to the notice, the Court may issue a warrant
18 or summons in accordance with subsection (a) of this Section.
19 For the purposes of this Section, "repeat offender" means a
20 person who has been found guilty of 2 or more similar
21 violations of a property maintenance code at the same location
22 in a 36-month period. In the case of a violation of a county
23 building code or property maintenance code, the county code
24 enforcement officer provided for by the county in its
25 respective building or property maintenance code may issue a
26 notice to appear.

1 (Source: P.A. 97-561, eff. 1-1-12.)