

ORDINANCE NO. MC-1020

AN ORDINANCE AMENDING CHAPTER 3 OF THE HOMEWOOD
MUNICIPAL CODE CONCERNING ADMINISTRATIVE ADJUDICATION
OF MUNICIPAL ORDINANCE VIOLATIONS

WHEREAS, the Village of Homewood established a program to administratively adjudicate local ordinance violations in 2008, pursuant to 65 ILCS 5/1-2.2-1 *et seq.*; and

WHEREAS, since establishment of the village's administrative adjudication program, the Illinois Legislature has expanded the means for non-home rule municipalities to collect fines and costs imposed upon defendants found liable for ordinance violations; and

WHEREAS, the Board of Trustees finds it is in the best interests of the village and its residents to incorporate this expanded authority into the village's administrative adjudication program.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, as follows:

SECTION ONE - AMENDMENTS TO THE HOMEWOOD MUNICIPAL CODE:

A. Section 3-12 of the Homewood Municipal Code is amended by addition of the following :

c) In place of a proceeding under subsection b) of this Article, after expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a 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.

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 (c), 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 7 days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code [735 ILCS 5/12-101 *et seq.* or 810 ILCS 5/1-101 *et seq.*], 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 Article. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

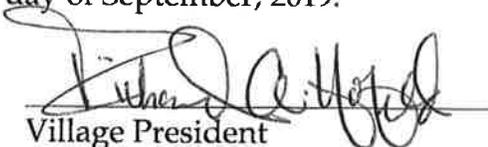
A hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the municipality did not provide proper service of process. If any judgment is set aside pursuant to this subsection (c), 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.

B. Section 3-13 of the Homewood Municipal Code is deleted in its entirety.

SECTION TWO - EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 24th day of September, 2019.


Village President

ATTEST:


Village Clerk

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1