

PUBLICATION OF:

ORDINANCE NO. 19-085

**ORDINANCE AMENDING TITLE 3, CHAPTER 43, SECTION 43.02.08 OF THE
SCHAUMBURG VILLAGE CODE WITH REGARD TO ADMINISTRATIVE HEARING
PROCEDURES**

ADOPTED: OCTOBER 22, 2019

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF SCHAUMBURG ON**

OCTOBER 23, 2019

ORDINANCE NO. 19-085

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SCHAUMBURG VILLAGE CODE WITH REGARD TO ADMINISTRATIVE HEARING
PROCEDURES**

WHEREAS, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village of Schaumburg has certain regulations with regard to administrative hearings contained in Title 3, Chapter 43, Section 43.02.08 of the Village Code; and

WHEREAS, the Village of Schaumburg desires to amend said regulations with regard to issuance of charging documents as set forth herein; and

WHEREAS, the Village of Schaumburg finds it in the best interest to amend the Village Code to provide as such;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:

SECTION ONE: The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION TWO: Title 3, Chapter 43, Section 43.02.08 of the Schaumburg Village Code is hereby amended to read in its entirety as follows:

43.02.08 - PROCEDURE.

All matters to be adjudicated by the office of administrative hearings shall be commenced against the party alleged to have violated one (1) or more Code provisions, by issuing and serving upon that party a charging document and shall be conducted in accordance with the following procedures:

- A) The charging document shall be issued by a village officer, employee or contractor authorized to exercise Code enforcement authority and served as provided for herein.
- B) (1) Any charging document issued pursuant to this section shall contain the following information:
 - a) The name; village department; position; and identification number, if applicable, of the person issuing the charging document;
 - b) The name and address of the person or entity being charged with one (1) or more Code violations ("respondent");
 - c) The name and address of the person to whom the charging document is given if that person is not the respondent;

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- d) The section(s) of the Code alleged to have been violated;
- e) The date, time and place of the alleged violation(s);
- f) A legally sufficient description of the activity or conduct alleged to constitute a violation of each Code section set forth in the charging document or a legally sufficient description of the facts giving rise to the allegations set forth in the charging document;
- g) The complainant's name if the complainant is not the issuing village officer, employee or contractor.

The village officer, employee or contractor, or the complainant (if applicable), shall certify the correctness of the information required by this subsection by signing his or her name to the charging document to be issued. Compliance with this subsection 43.02.08(B)(1) shall establish a prima facie case.

- (2) A charging document issued pursuant to subsection 43.02.08(B)(1) also shall set forth:
 - a) The date, time and place of the adjudicatory hearing to be held with respect to the violation(s) alleged in the charging document; and
 - b) The legal authority and jurisdiction under which the hearing will be held. A charging document shall indicate whether an appearance is required on the date and time set forth therein, or whether in lieu of an appearance a fine may be paid by the respondent by a date certain in advance of the scheduled hearing.
- C) (1) Said hearing shall be scheduled with reasonable promptness; provided, that, for hearings scheduled in all non-emergency situations, the respondent shall have at least fifteen (15) days after service of process to prepare for a hearing if requested by the respondent. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety or welfare.
- (2) The respondent named in a charging document shall be given notice of the date of the adjudicatory hearing which may appear on the face of the notice of violation, citation, or other charging document. Notice of the hearing date may be given in any of the following ways:
 - a) By first class mail or by overnight or two-day commercial delivery service at the respondent's last known address or if the respondent is a business entity, at any address identified for its registered agent or at its principal place of business; or
 - b) By personal service; or
 - c) By posting upon the property that is the site of the alleged violation(s) when the respondent is the owner or person in control of the property; or
 - d) By any other means permitted by law for service of civil summons.

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- (3) If service is provided by first class mail or by overnight or two-day commercial delivery service, the fifteen-day period shall begin to run on the day that the notice is deposited in the mail or given to the commercial delivery service, as applicable.
- D) The original or a legible copy of the notice of violation, citation, or other charging document shall be filed with the office of administrative hearings as soon as practicable at the place, and in the manner, as the administrative hearings supervisor directs. Upon receiving the original or legible copy of the charging document, the administrative hearings supervisor shall select a hearing date and give respondent notice of the date, time and place of the hearing in the manner set forth in subsection 43.02.08(C), unless the charging document sets forth the date, time and location of the hearing and was served personally on the respondent.
- E) Parties to an adjudicatory hearing may be represented by an attorney or other agent, present witnesses, and cross-examine opposing witnesses. Parties may request the administrative hearing officer to issue subpoenas.

SECTION THREE: This Ordinance shall be in full force and effect, after passage, approval and publication as required by law.

AYES: (6) Trustee: Kozak, Connelly, Sullivan, Dunham, Madej, Bieschke

NAYS: (0) None

ABSENT: (0) None

ADOPTED this _____ 23rd _____ day of _____ October, 2019.



Village President

ATTEST:



Village Clerk