



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-032
DATE OF PASSAGE May 26, 2020

An Ordinance creating Chapter 3 of the Code of Ordinances pertaining to the Administrative Adjudication of City Ordinance Violations and making corresponding changes to Chapters 1, 8, 12, 13, 17, 25, 27, 29, 32, 41.5, 44 and 46 of the Code.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Division 2.1 of Article 1 of the Illinois Municipal Code recognizes the authority of home rule units to provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution; and

WHEREAS, Division 2.1 of Article 1 of the Illinois Municipal Code provides a framework for home rule municipalities to adopt in establishing a system of administrative adjudication; and

WHEREAS, other provisions of Illinois law, including, but not limited to Divisions 3.1 and 19.2 of Article 11 of the Illinois Municipal Code and Section 11-208.3 of the Illinois Vehicle Code provide additional authority for the administrative adjudication of municipal code violation; and

WHEREAS, the City has previously adopted various ordinances providing for a system of administrative adjudication of violations of the Code of Ordinances, City of Aurora ("City Code"); and

WHEREAS, eleven (11) chapters of the City Code contain provisions relating to administrative adjudications; and

WHEREAS, the City Council desires to consolidate these provisions and adopt a standard process that can be used for most hearings conducted by the City's administrative

ORDINANCE NO. 020-032
DATE OF PASSAGE May 26, 2020

hearings officers as Chapter 3 of the City Code, consistent with the principles of Division 2.1 of Article 1 of the Illinois Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: the City Code shall be and hereby is amended as follows:

That Chapter 3 of the City Code entitled "Administrative Adjudications" is created as set forth in Exhibit A of this Ordinance; and

That Chapter 8 of the City Code entitled "Amusements" is amended as set forth in Exhibit B of this Ordinance; and

That Chapter 12 of the City Code entitled "Buildings and Buildings Regulations" is amended as set forth in Exhibit C of this Ordinance; and

That Chapter 13 of the City Code entitled "Cigarettes, Cigars, Tobacco, Alternative Nicotine or Vapor Products" is amended as set forth in Exhibit D of this Ordinance; and

That Chapter 17 of the City Code entitled "Fire Protection and Prevention" is amended as set forth in Exhibit E of this Ordinance; and

That Chapter 25 of the City Code entitled "Licenses, Permits, and Miscellaneous Business Regulations" is amended as set forth in Exhibit F of this Ordinance; and

That Chapter 27 of the City Code entitled "Motor Vehicles and Traffic" is amended as set forth in Exhibit G of this Ordinance; and

That Chapter 29 of the City Code entitled "Offenses-Miscellaneous" is amended as set forth in Exhibit H of this Ordinance ; and

That Chapter 32 of the City Code entitled "Peddlers and Solicitation" is amended as set forth in Exhibit I of this Ordinance; and

That Chapter 41.5 of the City Code entitled "Special Events" is amended as set forth in Exhibit J of this Ordinance; and

That Chapter 44 of the City Code entitled "Taxation" is amended as set forth in Exhibit K of this Ordinance; and

That Chapter 46 of the City Code entitled "Towing Services" is amended as set forth in Exhibit L of this Ordinance; and

That Chapter 1 of the City Code entitled "General Provisions" is amended as set forth in Exhibit M of this Ordinance; and further

ORDINANCE NO. 0-20-032
DATE OF PASSAGE May 26, 2020

BE IT ORDAINED, that in the event of a conflict between the provisions of Chapter 3 and any other provision of the City Code, the provisions of Chapter 3 shall control as to the general process, and the other provision controlling as to the form, content and manner of notice and the availability of defenses; and further

BE IT ORDAINED, that the adoption of this Ordinance shall not affect any pending administrative proceeding, provided that, at the time the proceeding commenced, the proceeding was commenced in accordance with the provisions of the City Code then in effect; and further

BE IT ORDAINED, that the Clerk is authorized and directed to publish this Ordinance in book or pamphlet form forthwith in the manner provided by Section 1-2-4 of the Illinois Municipal Code;

ORDINANCE NO. 020-032

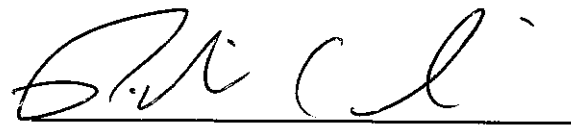
PASSED AND APPROVED ON May 26, 2020

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 Chapter 3 - Administrative Adjudications

2 Sec. 3-100. - Adoption of System of Administrative Adjudication

3 Pursuant to the provisions of Division 2.1 of Article 1 of
4 the Illinois Municipal Code, the city hereby adopts a system of
5 administrative adjudication as set forth in this in this chapter
6 to expedite the compliance with and correction of violations of
7 the city code identified in this ordinance to the fullest extent
8 permitted by the Constitution and laws of the State of Illinois.

9 Except as provided in the code, the provisions of this chapter
10 shall supersede all other administrative hearing procedures
11 adopted or referenced elsewhere in city code.

12 Sec. 3-101. - Procedures Not Exclusive

13 The city's adoption of a system of administrative
14 adjudications does not preclude the corporation counsel from using
15 any other method authorized by law to enforce provisions of the
16 city code, including but not limited to, by complaint made in the
17 circuit courts of this state for declaratory, injunctive, quasi-

18 criminal, or other relief, or other enforcement mechanisms
19 authorized by law or this code.

20 Sec. 3-102. - Definitions

21 As used in this chapter, the following terms are defined as
22 follows:

1 (a) *Administrative hearing officer* means an attorney
2 retained by the city to conduct administrative hearings pursuant
3 to this chapter;

4 (b) *Code enforcement officer* means a peace officer or any
5 other employee of the city, a city contractor, or person acting on
6 behalf of the police department, who as part of his or her official
7 duties issues notices or citations for violations of any city
8 ordinance, or who is authorized by law, this code, or by court
9 order to conduct inspections of public or private real property to
10 determine whether violations of the city code exist;

11 (c) *Corporation counsel* means the corporation counsel of the
12 city and includes any assistant corporation counsel or attorney
13 appointed by the corporation counsel to act on his or her behalf,
14 but shall not include an administrative hearings officer;

15 (d) *Division* means the division of administrative hearings
16 within the law department of the city;

17 (e) *Hearing* means any and all proceedings instituted or
18 taking place before an administrative hearing officer, including
19 initial return dates, status calls, and contested hearings;

20 (f) *Permit, license, or registration* means privilege or
21 certification issued by city the possession of which the code
22 provides is a pre-condition for a person to engage in a specified
23 activity. As used in this chapter, a *permit, license, or*
24 *registration*, does not include any permit, license or certificate

1 required by the; International Building Code prepared by the
2 International Code Council, and the National Electrical Code
3 prepared by the National Fire Protection Association that the city
4 has adopted by reference and locally amended.

5 (g) *Respondent* means a person alleged to have violated any
6 provision of this code and against whom a complaint is pending.
7 "Respondent" also includes the holder of any permit, license, or
8 registration issued by the city subject to suspension or
9 revocation, except a permit or license issued under chapter 6 of
10 this code.

11 (h) *Violation Notice* means the charging instrument used to
12 initiate an administrative adjudication under this chapter.
13 Violation notices issues by a code enforcement officer shall be by
14 citation; violation notices issued by the corporation counsel
15 shall be by citation or complaint.

16 Sec. 3-103. - Division of Administrative Hearings

17 (a) For the purposes of Section 1.2.1-4 of the Illinois
18 Municipal Code, the division shall constitute the code hearing
19 unit of the city and shall oversee all hearings in which the use
20 of an administrative hearing officer is contemplated by city code,
21 other than those provided for in chapter 6.

22 (b) The division shall consist of one or more administrative
23 hearing officers, an attorney assigned by the corporation counsel
24 to oversee the division's operations, but who shall not appear

1 before the hearing officer on behalf of any party, and an
2 administrative assistant assigned to the law department.

3 (c) The jurisdiction of the division shall include:

4 (1) Any and all violations of the city code, other than
5 violations of which the law prohibits administrative
6 adjudication and violations of chapter 6 of this code.

7 (2) Any proceeding which requires the use of an
8 administrative hearing officer as set forth in this code,
9 other than those set forth in chapter 6 of this code.

10 (3) Proceedings to review the suspension or revocation of
11 a permit, license, or registration.

12 (d) The division may from time-to-time adopt rules,
13 procedures, and forms, to effectuate the purposes of this chapter
14 to the extent they are not inconsistent with its provisions.

15 Sec. 3-104. - Administrative Hearing Officers

16 (a) The corporation counsel shall from time-to-time retain
17 the professional services of attorneys to serve as the city's

18 administrative hearing officers in the same manner which the city
19 council may authorize department heads to retain professional
20 services. An administrative hearing officer does not stand in an
21 attorney-client relationship with the city.

22 (b) Any attorney retained as an administrative hearing
23 officer shall have been licensed to practice law in the State for

1 at least three (3) years and have successfully completed a formal
2 training program which included the following:

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

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

7 (3) observation of administrative hearings; and

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

10 (c) An administrative hearing officer shall have the
11 following powers and duties:

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

14 (2) issuing subpoenas directing witnesses to appear and
15 give relevant testimony at the hearing, upon the request of
16 the parties or their representatives;

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

19 (4) issuing a determination, based on the evidence
20 presented at the hearing, of whether a code violation exists.

21 The determination shall be in writing and shall include a
22 written finding of fact, decision, and order including the
23 fine, penalty, or action with which the defendant must comply;
24 and

1 (5) imposing penalties consistent with applicable code
2 provisions and assessing costs upon finding a party liable
3 for the charged violation, except, however, that in no event
4 shall the hearing officer have authority to (i) impose a
5 penalty of incarceration, or (ii) impose a fine in excess of
6 \$50,000. The maximum monetary fine under this item (5), shall
7 be exclusive of costs of enforcement or costs imposed to
8 secure compliance with the city code shall not be applicable
9 to cases to enforce the collection of any tax imposed and
10 collected by the city; and

11 (6) vacating any penalties ordered pursuant to a default
12 judgment determination when granting a motion to vacate a
13 default judgment under this chapter.

14 Sec. 3-105. - Violation Notices

15 (a) An administrative complaint may be initiated by a
16 violation notice issued by (1) a code enforcement officer or (2)
17 by the corporation counsel. Violation notices shall contain the
18 following information:

19 (1) The name; department; position; and identification
20 number, if applicable, of the person issuing the violation
21 notice;

22 (2) The name and address of the respondent;

23 (3) The name and address of the person to whom the violation
24 notice is served upon, if not to the respondent;

1 (4) The section or sections of the city code alleged to be
2 violated;

3 (5) The date, time, and place of the commission of the
4 alleged violation or its discovery;

5 (6) A legally sufficient description of the conduct alleged
6 to constitute each a violation set forth in the notice or a
7 legally sufficient description of the facts giving rise to
8 the allegations set forth in the notice;

9 (7) If the officer issuing the notice does not have personal
10 knowledge of the violation, the name of the complaining
11 witness.

12 (b) All violation notices issued under this section shall be
13 supported by the personal knowledge of the person issuing the
14 violation notice as to the facts establishing a violation, or
15 accompanied by an affidavit of some other complaining witness
16 attesting to facts establishing the alleged violation, which shall
17 either be notarized or verified by certification as provided for

18 in Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS
19 5/1-109).

20 (c) Violation notices that substantially comply with
21 paragraphs (a) and (b) of this section shall establish a *prima*
22 *facie* case for a determination of liability against the respondent.

23 (d) All violation notices shall identify the date and
24 location of the adjudicatory hearing, whether the hearing shall be

1 conducted in-person or through remote electronic means as provided
2 for in sec. 3-106, the legal authority and jurisdiction under which
3 the hearing is to be held, and the penalties for failure to appear
4 at the hearing, including the entry of a determination of liability
5 against the respondent, the imposition of fines and costs as
6 authorized by the code, and that, upon the exhaustion of or failure
7 to exercise judicial review, any unpaid fines or costs will
8 constitute a debt due and owed to the city.

9 (e) All violation notices issued for proceedings intended to
10 be conducted by remote electronic means shall include specific
11 instructions detailing how respondent may participate remotely,
12 including how to submit documents or other evidence, as well as
13 presenting and cross-examining witnesses, if any. Such notices
14 shall also include instructions for how the respondent may require
15 a hearing to be conducted in-person.

16 (f) Violation notices shall be filed with the division of
17 administrative hearings and served upon the respondent personally,
18 or by first class mail sent to the address of the respondent. If
19 the name of a respondent property owner cannot be ascertained or
20 if the service to the respondent cannot be made by mail, the city
21 may make service on the respondent property owner by posting, not
22 less than fifteen (15) calendar days prior to the scheduled
23 hearing, a copy of the violation notice in a prominent place on
24 the property where the violation is alleged to have occurred. In

1 addition to the methods of service set forth in this paragraph,
2 service of a violation notice of a specific provision of the code
3 may be made in any manner in which the law or this code authorizes
4 for such violation.

5 Sec. 3-106. - Administrative Hearings

6 (a) Administrative hearings may be held either in person, or
7 through remote electronic means by which all parties, witnesses,
8 attorneys, and hearing officers may participate remotely utilizing
9 the technology implemented by the city for doing so. The

10 (b) All hearings, however conducted, shall satisfy the
11 procedural requirements set forth in this chapter, and shall be
12 recorded by the hearing officer in order to preserve an appropriate
13 record of the proceedings.

14 (c) Parties shall be provided with an opportunity for a
15 hearing, during which they may be represented by counsel, present
16 witnesses, and cross-examine opposing witnesses. Parties may
17 request the hearing officer to issue subpoenas to direct the
18 attendance and testimony of relevant witnesses and the production
19 of relevant documents. Hearings shall be scheduled with reasonable
20 promptness, provided that for the hearings scheduled in all non-
21 emergency situations, if requested by the defendant, the defendant
22 shall have at least fifteen (15) calendar days after service of
23 process to prepare for a hearing. For purposes of this Section,
24 "non-emergency situation" means any situation that does not

1 reasonably constitute a threat to the public interest, safety, or
2 welfare. If service is provided by mail, the 15-day period shall
3 begin to run on the day that the notice is deposited in the mail.
4 The formal and technical rules of evidence do not apply in hearings
5 conducted under this chapter. Evidence, including hearsay, may be
6 admitted only if it is a type commonly relied upon by reasonably
7 prudent persons in the conduct of their affairs.

8 (d) The division, with proper notice to the respondent as
9 set forth herein, may elect to conduct any or all proceedings under
10 this chapter through remote electronic means. The corporation
11 counsel, or his or her designee, may take whatever action necessary
12 to implement the appropriate technology for remote hearings to be
13 conducted subject to the city's procurement and information
14 technology policies.

15 (e) Upon a timely request by either party to a matter or
16 upon his or her own motion, the administrative hearing officer may
17 order that any proceedings designated to be conducted by electronic

18 means shall be conducted in person when doing so is necessary or
19 efficient in protecting the rights of either party or facilitating
20 the resolution of the dispute, and can be accomplished without
21 compromising the safety of the proceedings and its participants.

22 Sec. 3-107. - Suspensions or Revocations of Permits, Licenses, or
23 Registrations.

1 (a) Whenever any provision of this code authorizes an
2 officer or employee of the city to suspend or revoke (collectively
3 hereinafter "sanction") any license, permit, or registration based
4 on the respondent's alleged violation of the code, the respondent
5 shall have the opportunity to contest the determination that the
6 violation or violations of the code underlying the suspension or
7 revocation occurred before an administrative hearings officer.

8 (b) Upon a determination that cause exists to suspend or
9 revoke a license, permit, or registration, the employee or officer
10 imposing such sanction shall promptly serve the respondent with a
11 written explanation of the determination. Service of the
12 determination may be made in any manner authorized by this chapter
13 as well as by electronic mail directed to the address of record
14 associated with the permit, license, or registration.

15 (c) The sanction set forth in the determination shall become
16 effective fourteen (14) calendar days after service upon the
17 respondent, except that the sanction shall become effective

18 immediately if the officer or employee imposing the sanction
19 affirms that the circumstances giving rise to the sanction pose
20 such an imminent threat to the health, welfare, or safety of the
21 community or any person so as to require its immediate imposition.

22 (d) If within fourteen (14) calendar days of service of the
23 determination the respondent requests a hearing to contest the
24 sanction or a stay of its imposition, the division shall promptly

1 schedule a hearing for such purpose. A respondent may direct such
2 a request to the officer or employee making the determination
3 though personal service of a written request or by electronic mail.

4 (e) At a hearing conducted for the purpose of reviewing a
5 determination of sanction, the hearing officer shall consider any
6 prior determinations of liability made against the respondent upon
7 which the determination is predicated as final and not subject to
8 collateral attack. As used in this paragraph, a "prior
9 determination of liability" includes any final judgement entered
10 by default or by administrative or judicial determination that the
11 respondent or the respondent's agents engaged in or permitted
12 conduct that is a lawful basis for the imposition of the proposed
13 sanction.

14 (f) Nothing in this chapter shall preclude any officer or
15 employee of the city from issuing "stop work" orders in the manner
16 authorized by law or this code.

17 (g) The provisions of this section do not apply to licenses
18 issued pursuant to chapter 6 of this code.

19 Sec. 3-108. - Appearances and Service of Notices

20 (a) All respondents, personally or through counsel, must
21 file an appearance with the hearing officer at the initial hearing
22 date that provides a mailing address, telephone number, and
23 electronic mail address for the purpose of providing notice to the

1 parties. A standard appearance form shall be provided by the
2 division, whether electronically or by paper copy.

3 (b) If proceeding *pro se*, a respondent may only represent
4 himself or herself. All corporations and other collective business
5 entities shall be represented by an attorney.

6 (c) Upon the filing of an appearance by a respondent, all
7 notices and orders required to be given by or to the parties shall
8 be given by electronic mail unless otherwise ordered by the
9 administrative hearing officer.

10 Sec. 3-109. - Default Judgments

11 (a) Whenever a respondent fails to appear at a hearing or,
12 in the case of a determination of a sanction against a license,
13 permit, or registration, the administrative hearing officer may
14 enter an order of default judgment against the respondent, which
15 shall operate as a final determination of liability for an alleged
16 violation of the code or a confirmation of the sanction against a
17 license, permit, or registration.

18 (b) Prior to the entry of a default judgment, the hearing
19 officer shall review and make a record of the manner in which the
20 respondent was notified of the violation or determination, the
21 nature and the sufficiency of the evidence against the respondent,
22 and the circumstances supporting the entry of default.

23 (c) Upon entry of a default judgment, the hearing officer
24 shall impose costs and a fine against the respondent consistent

1 with the provisions of this code, the relative seriousness of the
2 violation, and the respondent's prior history of violations,
3 including the absence of prior offenses.

4 (d) The hearing officer shall reduce the default judgment
5 and the costs and fine imposed (if any) to writing and shall direct
6 the division to promptly serve the order upon the respondent. The
7 written order shall apprise the respondent of the procedure for
8 setting aside the default judgment under paragraph (e) and shall
9 also apprise the respondent of the availability of judicial review
10 under the Illinois Administrative Review Law.

11 (e) A respondent against whom a default judgment has been
12 entered may file a motion with the hearing officer to set aside
13 the default judgment and request a new hearing. A motion to set
14 aside a default judgment may be filed at any time if the respondent
15 alleges lack of subject matter or personal jurisdiction; in all
16 other cases, the motion must be filed within twenty-one (21) days
17 of entry of the default judgment excepting Saturdays, Sundays and
18 holidays. A motion to set aside a default judgment shall set forth
19 the reason(s) the respondent failed to appear on the original
20 hearing date. An administrative hearing officer shall hear and
21 rule on the motion. If the administrative hearing officer grants
22 the motion, a hearing will be held immediately on the alleged Code
23 violation(s) set forth in notice of violation, citation, or other

1 charging document unless the respondent requests another hearing
2 date and presents good cause for continuing the hearing.

3 Sec. 3-110. - Judicial Review

4 Any final decision by a hearing officer that a code violation
5 does or does not exist shall constitute a final determination for
6 purposes of judicial review and shall be subject to review under
7 the Illinois Administrative Review Law (735 ILCS 5/3-101, et.
8 seq.).

9 Sec. 3-111. - Enforcement of Judgment

10 (a) Any fine, other sanction, or costs imposed, or part of
11 any fine, other sanction, or costs imposed, remaining unpaid after
12 the exhaustion of or the failure to exhaust judicial review
13 procedures under the Illinois Administrative Review Law are a debt
14 due and owing the city and may be collected in accordance with
15 applicable law.

16 (b) After expiration of the period in which judicial review
17 under the Illinois Administrative Review Law may be sought for a
18 final determination of a code violation, unless stayed by a court
19 of competent jurisdiction, the findings, decision, and order of
20 the hearing officer may be enforced in the same manner as a
21 judgment entered by a court of competent jurisdiction.

22 (c) In any case in which a defendant has failed to comply
23 with a judgment ordering a defendant to correct a code violation
24 or imposing any fine or other sanction as a result of a code

1 violation, any expenses incurred by the city to enforce the
2 judgment, including, but not limited to, attorney's fees, court
3 costs, and costs related to property demolition or foreclosure,
4 after they are fixed by a court of competent jurisdiction or a
5 hearing officer, shall be a debt due and owing the city and may be
6 collected in accordance with applicable law. Prior to any expenses
7 being fixed by a hearing officer pursuant to this subsection (c),
8 the city shall provide notice to the defendant that states that
9 the defendant shall appear at a hearing before the administrative
10 hearing officer to determine whether the defendant has failed to
11 comply with the judgment. The notice shall set the date for such
12 a hearing, which shall not be less than 7 calendar days from the
13 date that notice is served. If notice is served by mail, the 7-
14 day period shall begin to run on the date that the notice was
15 deposited in the mail.

16 (d) Upon being recorded in the manner required by Article
17 XII of the Code of Civil Procedure or by the Uniform Commercial
18 Code, a lien shall be imposed on the real estate or personal
19 estate, or both, of the defendant in the amount of any debt due
20 and owing the city under this Section. The lien may be enforced in
21 the same manner as a judgment lien pursuant to a judgment of a
22 court of competent jurisdiction.

23 (e) A hearing officer may set aside any judgment entered by
24 default and set a new hearing date, upon a petition filed within

1 21 calendar days after the issuance of the order of default, if
2 the hearing officer determines that the petitioner's failure to
3 appear at the hearing was for good cause or at any time if the
4 petitioner establishes that the city did not provide proper service
5 of process. If any judgment is set aside pursuant to this
6 subsection (e), the hearing officer shall have authority to enter
7 an order extinguishing any lien which has been recorded for any
8 debt due and owing the city as a result of the vacated default
9 judgment.

1 Sec. 8-138. - Suspension or revocation.

2 (a) Licenses issued under this article may be revoked or suspended for
3 a period not to exceed thirty (30) days and the holder of such a
4 license may be fined ~~or a fine imposed~~ up to five hundred dollars
5 (\$500.00) per day per violation or device, plus costs, ~~by the mayor,~~
6 for any of the following causes:

7 (1) Any fraud, misrepresentation or false statement contained in
8 the application for the license.

9 (2) Any violation by the licensee of ordinance or state statutory
10 provisions relating to the license, the subject matter of the
11 license, or the premises occupied.

12 (3) Conviction of the licensee or manager of any crime described in
13 sections 8-104, 8-115, 8-127, or 8-130 as applicable.

14 (4) Failure of the licensee to pay any amount, fine or penalty owing
15 to the city.

16 (5) The occurrence of two (2) or more disturbances at the premises
17 occupied within a ninety-day period, or two (2) or more incidents
18 involving injury or bodily harm to patrons, bystanders or police
19 officers within a ninety-day period, provided that the mayor
20 finds, upon the recommendation of the police chief, that as a
21 result of the disturbances or incidents involving injury or bodily
22 harm a public nuisance exists therein or threat endangering the
23 health, safety and welfare of the citizens of the city. This
24 paragraph shall not apply to a distributor.

25 (b) Additionally, a distributor's license may be revoked or suspended
26 in accordance with this section for violating section 8-102.

27 (c) Such revocation, if ordered, shall not preclude prosecution and
28 imposition of any other penalties provided for the violation of other
29 applicable ordinances.

30 (d) Complaints alleging any violation of this article for which the
31 city may suspend or revoke a license or impose a fine upon a licensee
32 shall be brought in the name of the city and adjudicated before an
33 administrative hearing officer in the manner set forth in chapter 3
34 of this code. ~~-Notice of the hearing for revocation of a license or~~
35 ~~fine imposition shall be given in writing setting forth specifically~~

1 ~~the grounds of the complaint and the time and place of the hearing.~~
2 ~~Such notice shall be sent by certified mail, return receipt requested,~~
3 ~~to the licensee at the last known address at least twenty (20) days~~
4 ~~prior to the date set for hearing.~~

5 ~~(e) Licensees receiving a suspension shall provide notice to the mayor~~
6 ~~within fourteen (14) days of the date of the suspension notice if the~~
7 ~~licensee wishes to have a hearing to contest the suspension. The~~
8 ~~mayor shall hold a hearing regarding said suspension within twenty-~~
9 ~~one (21) days of said hearing request. During the interim, the~~
10 ~~suspended licensee shall be entitled to remain in operation unless~~
11 ~~the mayor makes a specific finding in the suspension notice that~~
12 ~~safety considerations require the licensee to remain closed until the~~
13 ~~hearing.~~

14 ~~(f) At the hearing the corporation counsel or designated assistant~~
15 ~~corporation counsel shall present the complaint and shall represent~~
16 ~~the city. A verbatim transcript shall be made. The licensee shall be~~
17 ~~permitted counsel and shall have the right to submit evidence and~~
18 ~~cross-examine witnesses. The mayor shall preside and shall render the~~
19 ~~decision within five (5) business days of the hearing's conclusion,~~
20 ~~which decision shall be final.~~

21 (Ord. No. 096-105, § 1, 9-24-96; Ord. No. 012-068, § 4, 8-28-12)

1 ~~Sec. 12-181. - Adoption of state statute.~~

2 ~~The city adopts Division 31.1 (the "division") of the Illinois~~
3 ~~Municipal Code (65 ILCS 5/11-31.1-1 et seq.) as it may be amended from~~
4 ~~time to time and as allowed by said division; provided, however, that~~
5 ~~the specific provisions of this article shall take precedence over any~~
6 ~~inconsistent provisions contained within said division.~~

7 ~~(Ord. No. 094-44, § 1, 5-17-94)~~

8 Sec. 12-182. - Definitions.

9 As used in this article, unless the context requires otherwise:

10 *Building inspector* means a full time city employee whose duties
11 include the inspection or examination of structures or property in the
12 city to determine if zoning or other code violations exist;

13 *Code* means any city ordinance, law, housing or building code or
14 zoning ordinance that establishes construction, plumbing, heating,
15 electrical, fire prevention, sanitation or other health and safety
16 standards that are applicable to structures in the city;

17 *Hearing officer* shall mean an administrative hearing officer as
18 set forth in chapter 3 of this code. ~~means a city employee or an officer~~
19 ~~or agent of the city, other than a building inspector or law enforcement~~
20 ~~officer, whose duty it is to:~~

21 ~~1. Preside at an administrative hearing called to determine whether~~
22 ~~or not a code violation exists;~~

23 ~~2. Hear testimony and accept evidence from the building inspector,~~
24 ~~the building or property owner and all interested parties relevant~~
25 ~~to the existence of a code violation;~~

26 ~~3. Preserve and authenticate the transcript and record of the~~
27 ~~hearing and all exhibits and evidence introduced at the hearing;~~

28 ~~4. Issue and sign a written finding, decision and order stating~~
29 ~~whether a code violation exists.~~

30 *Property owner* means the legal or beneficial owner of a property,
31 or, in the case of a land trust, the beneficiary thereof;

32 (Ord. No. 094-44, § 1, 5-17-94; Ord. No. 095-91, § 2, 11-21-95)

33 ~~Sec. 12-183. - Code hearing department.~~

1 ~~(a) There is hereby established a code hearing department, the~~
2 ~~function of which is to expedite the presentation and correction of code~~
3 ~~violations in the manner set out in the division and this article. The~~
4 ~~hearing officer and such other agents or employees assigned to the~~
5 ~~hearing officer by the mayor, shall constitute the code hearing~~
6 ~~department.~~

7 ~~(b) The adoption of this article does not preclude the city from~~
8 ~~using other lawful methods to enforce the provisions of its code.~~

9 ~~(Ord. No. 094-44, § 1, 5-17-94)~~

10 Sec. 12-184. - Issuance of Violation Notices Code hearing procedure.

11 (a) When a building inspector finds a code violation while
12 inspecting a property, he shall issue or cause to have issued a
13 violation in accordance with chapter 3 of this code. The issuance
14 of such a notice shall commence the administrative hearing process
15 set forth in chapter 3 of this code. ~~note the violation on a~~
16 ~~multiple copy violation notice and report form, indicating the name~~
17 ~~and address of the property owner, the type and nature of the~~
18 ~~violation, the date and time the violation was observed, the names~~
19 ~~of witnesses to the violation, and the address of the property~~
20 ~~where the violation was observed.~~

21 ~~(b) The violation report form shall be forwarded by the building~~
22 ~~inspector to the code hearing department where a docket number~~
23 ~~shall be stamped on all copies of the report, and a hearing date~~
24 ~~noted in the blank spaces provided for that purpose on the form.~~

25 ~~The hearing date shall not be less than thirty (30) nor more than~~
26 ~~forty (40) days after the violation is reported by the building~~
27 ~~inspector.~~

28 ~~(c) One (1) copy of the violation report form shall be maintained~~
29 ~~in the files of the code hearing department and shall be part of~~
30 ~~the record of hearing, one (1) copy of the report form shall be~~
31 ~~returned to the building inspector so that he may prepare evidence~~
32 ~~of the code violation for presentation at the hearing on the date~~
33 ~~indicated, and one (1) copy of the report form shall be served by~~
34 ~~first-class mail on the owner of the property, along with a summons~~

1 ~~commanding the owner to appear at the hearing. If the name of the~~
2 ~~owner of the property cannot be ascertained or if service on the~~
3 ~~owner cannot be made by mail, service may be made on the owner by~~
4 ~~posting or nailing a copy of the violation report form on the front~~
5 ~~door of the property where the violation was found, not less than~~
6 ~~twenty (20) days before the hearing date.~~

7 ~~{Ord. No. 094-44, § 1, 5-17-94; Ord. No. 095-91, § 2, 11-21-95}~~

8 ~~Sec. 12-185. — Subpoenas.~~

9 ~~At any time prior to the hearing date, the hearing officer assigned~~
10 ~~to hear the case may, at the request of the building inspector or the~~
11 ~~attorney for the city, or the owner or his attorney, issue subpoenas~~
12 ~~directing witnesses to appear and give testimony at the hearing.~~

13 ~~{Ord. No. 094-44, § 1, 5-17-94}~~

14 ~~Sec. 12-186. — Default.~~

15 ~~If on the date set for hearing the owner or his attorney fails to~~
16 ~~appear, the hearing officer may find the owner in default and shall~~
17 ~~proceed with the hearing and accept evidence relevant to the existence~~
18 ~~of a code violation.~~

19 ~~{Ord. No. 094-44, § 1, 5-17-94}~~

20 ~~Sec. 12-187. — Continuances and representation at code hearings.~~

21 ~~No continuances shall be authorized by the hearing officer in~~
22 ~~proceedings under this article except in cases where a continuance is~~
23 ~~absolutely necessary to protect the rights of the owner. Lack of~~
24 ~~preparation shall not be grounds for a continuance. Any continuance~~

25 ~~authorized by a hearing officer under this article shall not exceed~~
26 ~~twenty-five (25) days. The case for the city may be presented by the~~
27 ~~building inspector, by any other city employee or by an attorney~~
28 ~~designated by the city. However, in no event shall the case for the city~~
29 ~~be presented by an employee of the code hearing department. The case for~~
30 ~~the dwelling owner may be presented by the owner, his attorney, or any~~
31 ~~other agent or representative.~~

32 ~~{Ord. No. 094-44, § 1, 5-17-94}~~

33 ~~Sec. 12-188. — Evidence at hearing.~~

1 ~~At the hearing, a hearing officer shall preside and shall hear~~
2 ~~testimony and accept any evidence relevant to the existence or~~
3 ~~nonexistence of a code violation on the property indicated. The strict~~
4 ~~rules of evidence applicable to judicial proceedings shall not apply to~~
5 ~~hearings authorized by this article.~~

6 (Ord. No. 094-44, § 1, 5-17-94; Ord. No. 095-91, § 2, 11-21-95)
7 Sec. 12-189. - Retaliatory action against occupants prohibited.

8 No action for eviction, abatement of a nuisance, forcible entry
9 and detainer or other similar proceeding shall be threatened or
10 instituted against an occupant of a dwelling solely because such occupant
11 agrees to testify or testifies at an administrative hearing for
12 violations of this chapter ~~code violation hearing.~~

13 (Ord. No. 094-44, § 1, 5-17-94)

14 ~~Sec. 12-191. - Findings, decision, order of the hearing officer.~~

15 ~~(a) At the conclusion of the hearing, the hearing officer shall make~~
16 ~~a determination, on the basis of the evidence presented at the hearing,~~
17 ~~whether or not a code violation exists. The determination shall be in~~
18 ~~writing and shall be designated as the findings, decision and order. The~~
19 ~~findings, decision and order shall include the hearing officer's findings~~
20 ~~of fact, a decision whether or not a code violation exists based upon~~
21 ~~the findings of fact, and an order, ordering the owner to correct the~~
22 ~~violation or dismissing the case in the event a violation is not proved.~~
23 ~~If a code violation is proved, the order may also impose the sanctions~~
24 ~~that are provided in the code for the violation proved. A copy of the~~
25 ~~findings, decision, and order shall be served on the owner within five~~
26 ~~(5) days after they are issued; service shall be in the same manner as~~
27 ~~the report form and summons are served pursuant to section 12-184 of~~
28 ~~this article. Payment of any penalty or fine shall be made to the city~~
29 ~~finance department and the disposition of fine money may be determined,~~
30 ~~from time to time, by separate ordinance or resolution of the city~~
31 ~~council.~~

32 ~~(b) In the event that the order provides for the correction of the~~
33 ~~violation, the hearing officer shall establish a hearing date which would~~
34 ~~be after the date established for the correction of the violation, in~~

1 ~~order to determine compliance with the order. At such time, the hearing~~
2 ~~officer shall hear testimony and accept any evidence relevant to the~~
3 ~~correction of the violation in accordance with the order.~~

4 ~~(c) In the event that the same violation for the same property is~~
5 ~~brought before the hearing officer within a twelve-month time period,~~
6 ~~the hearing officer may, after hearing relevant testimony, retain~~
7 ~~jurisdiction over the violation, despite any correction thereof, and~~
8 ~~establish a hearing date or dates to determine continued compliance with~~
9 ~~the order. At such time, the hearing officer shall hear testimony and~~
10 ~~accept any evidence relevant to the continued compliance of the property~~
11 ~~with regard to any said repeated violation. (d) In the event that the~~
12 ~~hearing officer finds that there is a violation of this chapter by an~~
13 ~~owner or owners of rental property, said owner(s) shall be required to~~
14 ~~attend the next available landlord training class, as offered by the~~
15 ~~city.~~

16 ~~(Ord. No. 094-44, § 1, 5-17-94; Ord. No. 095-91, § 2, 11-21-95; Ord. No.~~
17 ~~097-24, § 2 (exh. "A"), 4-8-97; Ord. No. 003-18, § 1, 2-11-03)~~
18 ~~Sec. 12-192. - Administrative review law to apply.~~

19 ~~The findings, decision and order of the hearing officer shall be~~
20 ~~subject to review in the Circuit Court of Kane County, and the provisions~~
21 ~~of the administrative review law (735 ILCS 5/3-101 et seq.), and all~~
22 ~~amendments and modifications thereto, and the rules adopted pursuant~~
23 ~~thereto, are adopted and shall apply to and govern every action for the~~
24 ~~judicial review of the final findings, decision and order of a hearing~~
25 ~~officer under this article.~~

26 ~~(Ord. No. 094-44, § 1, 5-17-94)~~

27 ~~Sec. 12-193. - Disposition of violations.~~

28 ~~(a) Any fine, other sanction or costs imposed, or part of any fine,~~
29 ~~other sanction or costs imposed remaining unpaid after the~~
30 ~~exhaustion of, or the failure to exhaust, judicial review~~
31 ~~procedures under the administrative review law shall be a debt due~~
32 ~~and owing the city and, as such, may be collected in accordance~~
33 ~~with applicable law.~~

~~(b)After expiration of the period within which judicial review under the administrative review law may be sought for a final determination of the code violation, the city may commence a proceeding in the circuit court for purposes of obtaining a judgment on the findings, decision and order. Nothing in this section shall prevent the city from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the city 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 article and applicable state law. Service of the summons and a copy of the petition may be by any method provided by section 2-203 of the Code of Civil Procedure 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 does not exceed two thousand five hundred dollars (\$2,500.00).~~

~~(Ord. No. 094-44, § 1, 5-17-94)~~

Sec. 12-194. - Findings and sanctions to run with property.

The order to correct a code violation and the sanctions imposed by the administrative hearing officer city as the result of a finding of a code violation under this article shall attach to the property as well as to the owner of the property, so that a finding of a code violation against one (1) 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 chapter 3 ~~this article~~.

(Ord. No. 094-44, § 1, 5-17-94)

Sec. 12-512. - Administrative proceedings relating to registration and building code violations.

Complaints alleging any violation of this article shall be brought in the name of the city and adjudicated before an administrative hearing officer in the manner set forth in chapter 3 of this code.

1 ~~(a) Administrative hearing procedures as set forth in chapter 12,~~
2 ~~article VII of the city's Code of Ordinances shall be followed for~~
3 ~~all violations of this article and, as such, is incorporated by~~
4 ~~reference herein.~~

5 ~~(b) The statutory provisions of the Illinois Administrative Review Act~~
6 ~~("Review Act"), 735 ILCS 5/3-101, et seq., are hereby adopted and~~
7 ~~incorporated into this section. The Administrative Review Act shall~~
8 ~~apply to the review of any and all final decisions issued by the~~
9 ~~administrative hearing officer in administrative proceedings held~~
10 ~~pursuant to this article.~~

11 ~~(c) Unless stayed by a court of competent jurisdiction, any final~~
12 ~~decision of the hearing officer, and any fine, penalty, or~~
13 ~~administrative fee imposed pursuant to this article, which remain~~
14 ~~unpaid in whole or in part after the expiration of the deadline for~~
15 ~~seeking judicial review under the Administrative Review Act may be~~
16 ~~enforced in the same manner as any judgment entered by a court of~~
17 ~~competent jurisdiction.~~

18 (Ord. No. 016-004, § 1, 2-9-16)

19 ARTICLE XII. - ADMINISTRATIVE CITATIONS

20 Sec. 12-600. - Definitions.

21 Unless specifically defined below, words or phrases used in this
22 article shall be interpreted so as to give them the meaning they have
23 in common usage and to give this article the most reasonable application.

24 *Administrative citation* shall mean an official notification of a
25 violation of a provision within this chapter 12 ~~of the Aurora Code of~~
26 ~~Ordinances~~. Said citations shall require correction of the violation and
27 impose a fine.

28 *Enforcement officer* shall mean any city personnel authorized to
29 issue an administrative citation pursuant to this article.

30 *Issue* means to provide an administrative citation by (i) personally
31 serving it on a responsible person, (ii) mailing it, via first class
32 mail, to the last known address of a responsible person, or (iii) posting
33 it in a conspicuous place on the property to which it relates and mailing
34 a copy of it to a responsible person at their last known address.

1 *Person* means any natural person, agent, association, firm,
2 partnership, corporation, or other entity capable of owning, occupying,
3 managing or otherwise using real property in the City of Aurora.

4 *Property* means any property, whether residential or commercial,
5 including land, and that which is affixed, incidental, or appurtenant
6 to land, including, without limitation, any business or residence,
7 parking area, loading area, landscaping, common areas, building or
8 structure or any separate unit, or portion thereof, or any business
9 equipment, whether or not permanent. For real property consisting of
10 more than one (1) unit, property may be limited to the unit or portion
11 of the property on which the code violation exists.

12 *Responsible person* means any person recognized by law as having
13 control over, right to use, management rights and/or right of possession
14 of property, including, without limitation, legal title holders,
15 lessees, contract purchasers, contract sellers, property managers or
16 other occupants of property.

17 (Ord. No. 017-017, § 1, 4-11-17)

18 Sec. 12-603. - Issuance of administrative citation.

19 (a) Any responsible person allowing, causing, committing,
20 continuing to permit or maintain a violation pertaining to any property
21 maintenance, zoning, building, plumbing, electrical or other similar
22 matters regulated within chapter 12 may be issued an administration
23 citation.

24 (b) In lieu of a notice of violation set forth in section 3-105,
25 an enforcement officer may initiate an administrative complaint under
26 chapter 3, by issuing an administrative citation which ~~Each~~
27 ~~administrative citation~~ shall contain the following information:

28 (1) The date of the violation;

29 (2) The address or description of the location where the violation
30 occurred;

31 (3) The specific section of the code or ordinance violated and a
32 description of the nature of the violation;

33 (4) The amount of the fine for said violation:

1 (5) A description of the fine payment process, including a
2 description of the time within which and the place to which the
3 fine shall be paid;

4 (6) A statement that the violation must be corrected and the time
5 within which it must be corrected and that failure to correct will
6 result in further legal proceedings/fines;

7 (7) A description of the administrative hearing process,
8 including the time within which the administrative citation may be
9 contested and the place to which to submit a written request for
10 hearing;

11 (8) The name and signature of the citing enforcement officer;

12 (9) Other such information as may be deemed necessary from time
13 to time.

14 (Ord. No. 017-017, § 1, 4-11-17)

15 Sec. 12-604. - Service of administrative citation.

16 Administrative citations issued pursuant to this article may be
17 served by in the manner set forth in chapter 3.~~any one (1) or more of~~
18 ~~the following methods:~~

19 ~~(1) Personal service. An enforcement officer may attempt to locate~~
20 ~~and personally serve the responsible person and obtain the signature of~~
21 ~~such person on the administrative citation. If the responsible person~~
22 ~~served refuses to sign the citation, the failure or refusal to sign shall~~
23 ~~not affect the validity of the administrative citation or any subsequent~~
24 ~~proceedings.~~

25 ~~(2) Service by mail. An administrative citation may also be served~~
26 ~~by first class mail with a declaration of service by mail executed by~~
27 ~~the person mailing the citation. The administrative citation will be~~
28 ~~addressed to the responsible person at the address shown on the last tax~~
29 ~~assessment rolls for the county in which the property is located or to~~
30 ~~any address known for the responsible person. For purposes of this~~
31 ~~article, if the administrative citation is served via first class mail,~~
32 ~~service shall be deemed effective on the date the citation is placed in~~
33 ~~the mail and shall not affect the validity of the administrative citation~~
34 ~~or of any subsequent proceedings.~~

~~(3) Service by posting. An administrative citation may also be served by posting or affixing a copy of the citation on the front door of the property or in some other conspicuous place on the real property where the violation is located. Such posting shall be done at least ten (10) calendar days before a hearing date along with a declaration of service by posting executed by the person posting the administrative citation. For purposes of this article, if the administrative citation is served by posting, service shall be deemed effective on the date the administrative citation is posted on the property and shall not affect the validity of the administrative citation or of any subsequent proceedings.~~

(Ord. No. 017-017, § 1, 4-11-17)

Sec. 12-607. - Administrative hearing.

(a) A recipient of an administrative citation may request a hearing by completing the "Request for Hearing" portion of the administrative citation and returning it to the city, either in person or by mail, within fourteen (14) calendar days of the date the citation was issued.

(b) The person requesting a hearing shall be notified of the time and place for the hearing at least ten (10) calendar days prior to the date of hearing.

(c) All administrative citations shall be adjudicated in accordance with the provisions of chapter 3 of this code. ~~Except as otherwise stated in the Code of Ordinances, administrative hearing procedures as set forth in chapter 12, article VII of the Code of Ordinances shall be followed for all violations and, as such, is incorporated by reference herein.~~

~~(d) The failure to timely request a hearing shall constitute a waiver of rights to contest the administrative citation and/or the imposition of any assessed fine.~~

(Ord. No. 017-017, § 1, 4-11-17)

~~Sec. 12-608. - Administrative review.~~

~~(a) The statutory provisions of the Illinois administrative review Act, 735 ILCS 5/3-101, et seq., are hereby adopted and~~

1 ~~incorporated herein. This shall apply to the review of any and all final~~
2 ~~decisions issued by virtue of the unchallenged citation or by an~~
3 ~~administrative hearing officer in administrative proceedings held as~~
4 ~~provided herein.~~

5 ~~(b) Unless stayed by a court of competent jurisdiction, any final~~
6 ~~decision of a hearing officer, and any fine, penalty, or administrative~~
7 ~~fee imposed, which remain unpaid in whole or in part after the expiration~~
8 ~~of the deadline for seeking judicial review, may be enforced in the same~~
9 ~~manner as any judgment entered by a court of competent jurisdiction.~~

10 ~~{Ord. No. 017-017, § 1, 4-11-17}~~

1 Sec. 13-19. - Fine, suspension or revocation of licenses.

2 (a) Complaints alleging any violation of this article for which the
3 city may suspend or revoke a license or impose a fine upon a licensee
4 shall be brought in the name of the city and adjudicated before an
5 administrative hearing officer in the manner set forth in chapter 3
6 of this code. The mayor shall be charged with the administration of
7 this chapter. The mayor may assign the administration of any violation
8 of this article to the local tobacco and alternative nicotine control
9 hearing officer to enforce this article. The local tobacco and
10 alternative nicotine control hearing officer will have the same power
11 and duties as established in chapter 6, article II, in administering
12 any violation of a license in chapter 13. The local tobacco and
13 alternative nicotine control The administrative hearing officer may
14 impose a fine of not less than five hundred dollars (\$500.00) or more
15 than one thousand dollars (\$1,000.00) plus costs or suspend for any
16 period up to thirty (30) days or revoke for cause any license issued
17 under this chapter if he determines that the licensee has violated
18 any of the following provisions:

19 (1) The licensee has violated any law of the state, any ordinance
20 of the county, or any ordinance of the city, which affected the
21 public health, welfare and safety and which violation occurred as
22 part of the operation of the licensee's business or upon the
23 licensed premises or adjacent premises.

24 ~~(2) The licensee has violated any of the provisions of this chapter~~
25 ~~or any federal or state law pertaining to the sale of tobacco,~~
26 ~~alternative nicotine product, vapor products or electronic smoking~~
27 ~~device.~~

28 (3) The licensee is more than forty-five (45) days delinquent in
29 the payment of any debt to the city.

30 (b) ~~No fine, suspension or revocation shall be imposed except a public~~
31 ~~hearing by the local tobacco and alternative nicotine control hearing~~
32 ~~officer or his designee in accordance with the following:~~

1 ~~(1) The licensee shall be given a three-day written notice affording~~
2 ~~the licensee an opportunity to appear and defend.~~

3 ~~(2) All such hearings shall be open to the public.~~

4 ~~(3) If the local tobacco and alternative nicotine control officer~~
5 ~~determines after such hearing that there should be a fine,~~
6 ~~revocation or suspension, he shall not later than five (5) days~~
7 ~~after such hearing, state the reasons for such a determination in~~
8 ~~a written order and shall serve a copy of such order upon the~~
9 ~~licensee.~~

10 ~~(4) In all hearings pursuant to this section, the evidence presented~~
11 ~~shall be reduced to writing and an official record of the~~
12 ~~proceedings maintained.~~

13 ~~(e)~~ Each day on which a violation continues shall constitute a separate
14 violation.

15 ~~(d) The findings, decision and order of the local tobacco and~~
16 ~~alternative nicotine control hearing officer shall be subject to~~
17 ~~review in the Circuit Court of Kane County, and the provisions of the~~
18 ~~administrative review law (735 ILCS 5/3-101 et seq.), and all~~
19 ~~amendments and modifications thereto, and the rules adopted pursuant~~
20 ~~thereto, are adopted and shall apply to and govern every action for~~
21 ~~the judicial review of the final findings, decision and order issued~~
22 ~~under this article.~~

23 (Ord. No. 018-032, 3-27-18)

1 Sec. 17-140. - Penalties.

2 A violation of any section of this article excluding section 17-
3 139, shall be punishable by a fine not to exceed one thousand dollars
4 (\$1,000.00). A violation of section 17-139 shall be punishable as
5 follows:

6 1. For the first false alarm in one (1) calendar year, no fine shall
7 be assessed, unless the fire prevention bureau shall show willful
8 and wanton misconduct on the part of the fire alarm user, his
9 employees or agents.

10 2. For a second (2nd) false alarm in one (1) calendar year, a fine
11 of seventy-five dollars (\$75.00) shall be assessed for each fire
12 department response thereto.

13 3. For a third (3rd) and fourth (4th) false alarm in one (1) calendar
14 year, a fine of one hundred and fifty dollars (\$150.00) shall be
15 assessed for each fire department response thereto.

16 4. For a fifth (5th) false alarm and for each and every succeeding
17 false alarm in one (1) calendar year, a fine of three hundred
18 dollars (\$300.00) shall be assessed for each fire department
19 response thereto.

20 5. For any false alarm emanating from a fire alarm user who has not
21 received a permit or certificate of acceptance from the fire
22 prevention bureau for the operation of a fire alarm system in the
23 City of Aurora, a fine of four hundred dollars (\$400.00) shall be
24 assessed for each and every false alarm.

25 6. In addition to the fines set forth above, any fire alarm user
26 who refuses or fails to pay within forty-five (45) days of the
27 date of any such false alarm fine assessment, said fire alarm user
28 shall be deemed to have an additional violation of this article,
29 punishable by an additional fine of not less than fifty dollars
30 (\$50.00) nor more than five hundred dollars (\$500.00) for each
31 day that said fines remain unpaid, and said fire alarm user shall
32 further pay all legal fees and costs of the City of Aurora in
33 connection with such false alarm(s).

34 7. The City of Aurora may file a lien against the protected premises
35 for any outstanding fine which is reduced to judgment.

1 8. Complaints alleging any violation of this article shall be
2 brought in the name of the city and adjudicated before an
3 administrative hearing officer in the manner set forth in chapter
4 3 of this code. ~~Any person issued an invoice under this section~~
5 ~~shall have the right to seek a hearing in front of the hearing~~
6 ~~officer subject to the provisions stated herein below.~~

7 a. ~~For purposes of this section, the hearing officer shall be~~
8 ~~the individual who holds administrative hearings involving~~
9 ~~violations of the city's property maintenance code under~~
10 ~~article VII of chapter 12 of the city's Code of Ordinances.~~

11 b. ~~Any person seeking a hearing by the hearing officer shall~~
12 ~~file a written petition for hearing within twenty (20) days~~
13 ~~after receipt of the applicable invoice. The petition must be~~
14 ~~received by the treasurer or in the treasurer's office prior~~
15 ~~to the expiration of the twenty (20)-day period, or on the~~
16 ~~first date the treasurer's office is open for business after~~
17 ~~such date if closed on such date. Mailing such petition on~~
18 ~~such date shall be insufficient. If the petition is not filed~~
19 ~~within this time period, then the invoice shall become final~~
20 ~~and not subject to further review, and the city may proceed~~
21 ~~with collection of the debt.~~

22 c. ~~The petition shall state the reason or reasons why the invoice~~
23 ~~is incorrect or invalid, as the case may be, and state the~~
24 ~~relief sought from the hearing officer. Upon receipt of the~~
25 ~~petition from the treasurer, the hearing officer shall promptly~~
26 ~~set a time and date for a hearing on the petition and shall~~
27 ~~notify the petitioner of the same not less than seven (7) days~~
28 ~~prior to the date set for hearing. A hearing date may be~~
29 ~~continued by the hearing officer for any good cause.~~

30 d. ~~At such hearing, the hearing officer shall give the petitioner~~
31 ~~an opportunity to be personally heard and present whatever~~
32 ~~information or witnesses as he considers pertinent and relevant~~
33 ~~to the issue. Upon conclusion of such hearing, and after~~
34 ~~consideration of any information presented by the petitioner~~
35 ~~and such other information as may be available to the hearing~~

1 ~~officer, a decision shall be made by the hearing officer either~~
2 ~~canceling, modifying or affirming the applicable invoice, and~~
3 ~~notice of such decision shall be given in writing to the~~
4 ~~petitioner and treasurer.~~

5 ~~e. The decision of the hearing officer reached at the conclusion~~
6 ~~of such hearing shall be final, and the treasurer may enforce~~
7 ~~such decision in the manner provided for under this section or~~
8 ~~such other manner as may be available by law.~~

9 (Ord. No. 099-84, § 1, 10-12-99; Ord. No. 001-56, § 1, 6-12-01; Ord.

10 No. 012-056, § 1 (Exh. A), 7-10-12; Ord. No. 017-009, § 1, 2-28-17)

1 Sec. 25-140. - Administrative hearing.

2 Complaints alleging any violation of this article shall be brought
3 in the name of the city and adjudicated before an administrative hearing
4 officer in the manner set forth in chapter 3 of this code. -Division 2.1
5 of Article 1 of the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, et seq.,
6 is hereby adopted to provide for administrative adjudication of
7 violations of this article. Any person issued a ticket, notice of
8 violation or other citation under this article shall have the right to
9 a hearing in front of the administrative hearing officer in accordance
10 with the provisions of the above recited Municipal Code provisions, as
11 well as the following, provided however that in the event of any conflict
12 between the Municipal Code and the following provisions, the terms herein
13 contained shall control.

14 ~~(1) For purposes of this article, the administrative hearing officer~~
15 ~~shall be the hearing officer who holds administrative hearings~~
16 ~~involving violations of the city's property maintenance code under~~
17 ~~chapter 12 of this Code.~~

18 ~~(2) Reserved.~~

19 ~~(3) The law department, upon notification of violation, shall~~
20 ~~promptly set a time and date for a hearing and shall notify the~~
21 ~~violation through personal service of the hearing date which~~
22 ~~service of notice shall be not less than fourteen (14) days prior~~
23 ~~to the date set for hearing. A hearing date may be continued by~~
24 ~~the hearing officer for good cause shown.~~

25 ~~(4) At such hearing, the hearing officer shall give the violator an~~
26 ~~opportunity to be personally heard and to present witnesses and~~
27 ~~information relevant to the issue. The hearing officer shall also~~
28 ~~hear from the city and its witnesses and information relevant to~~
29 ~~the issue. Upon conclusion of the hearing, and after consideration~~
30 ~~of information presented, a decision shall be made by the hearing~~
31 ~~officer either canceling or affirming the ticket/notice/citation,~~
32 ~~and shall set the penalties as provided above.~~

33 ~~(5) The decision of the hearing officer reached at the conclusion~~
34 ~~of such hearing shall be final. If applicable, the city may enforce~~
35 ~~such decision in any manner available by law or ordinance.~~

1 (Ord. No. 014-043, § 1, 7-22-14)

2 Sec. 25-164. - ~~Administrative Hearings~~Appeals; hearing process.

3 Complaints alleging any violation of this article shall be brought in
4 the name of the city and adjudicated before an administrative hearing
5 officer in the manner set forth in chapter 3 of this code.

6 ~~A. An entity against which a penalty has been assessed for a violation~~
7 ~~of this article, or whose business registration certificate has been~~
8 ~~suspended or revoked, may file an appeal with the registration~~
9 ~~administrator within fourteen (14) days of the date of assessment,~~
10 ~~suspension or revocation.~~

11 ~~B. Upon receiving notice of a written appeal under this article, the~~
12 ~~entity will be afforded the opportunity to appear before the~~
13 ~~administrative hearing officer of the city.~~

14 (Ord. No. 019-022, 4-23-19)

15
16 Sec. 25-243. - Penalties; suspension or revocation.

17 (a) Complaints alleging any violation of this article shall be brought
18 in the name of the city and adjudicated before an administrative
19 hearing officer in the manner set forth in chapter 3 of this code.
20 The administrative hearing officer~~The mayor~~ may impose a penalty of
21 not to exceed one thousand dollars (\$1,000.00), or suspend for any
22 period up to thirty (30) days or revoke for cause any license issued
23 under this division after notice and hearing as provided in
24 subsections (b) and (c) of this section for any of the following
25 causes:

26 (1) Any fraud, misrepresentation or false statement contained in
27 the application for the license;

28 (2) Any violation by the licensee of any ordinance relating to the
29 license, the subject matter of the license, or the premises
30 occupied; or

31 (3) Failure of the licensee to pay any fine or penalty owing to the
32 city.

33 (b) Such penalty, suspension or revocation, if ordered, shall not
34 preclude prosecution and imposition of any other penalties provided
35 for the violation of applicable ordinances of the city.

~~(e) Notice of the hearing for suspension or revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.~~

~~(d) At the hearing, the corporation counsel shall present the complaint and shall represent the city. The licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The mayor shall preside and shall render the decision.~~

(Ord. No. 093-128, § 1, 12-21-93)

Sec. 25-258. - Revocation or suspension of license.

(a) The director of community development or designee shall have the authority to revoke or suspend a license for any one (1) or more of the following reasons:

(1) The owner or operator of the licensed business does not comply with the provisions of this article or is in violation of any other applicable federal, state or local laws, regulations or ordinances affecting the health and safety of the patrons or the public generally;

(2) The owner or operator of the licensed business gave materially false, fraudulent or untruthful information on the original or renewal application form;

~~(3) The business has been closed for business for a period of thirty~~
(30) consecutive days, unless such closure is due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to reopen the business;

(4) The owner or operator becomes ineligible to obtain or hold a license;

(5) The owner or operator is delinquent on any debt owed to the city;

(6) The owner or operator knew or should have known that criminal activity affecting the health and safety of patrons and the

- 1 general public was occurring on the premises and failed to take
2 corrective action or failed to contact law enforcement officials;
- 3 (7) The owner or operator has engaged in any other act or omission
4 which demonstrates the owner or operator's inability to operate
5 the business in accordance with applicable law.
- 6 (b) Prior to revocation or suspension of a license, the director of
7 community development or designee shall investigate whether probable
8 cause for revocation or suspension may exist and if so, shall notify
9 the licensee in writing of reasons for the proposed revocation or
10 suspension and grant such licensee the opportunity to appear before
11 an administrative hearing officer in accordance with the provisions
12 of chapter 3 of this code. ~~the director of community development or~~
13 ~~designee at a time and place specified within such notice. Such~~
14 ~~hearing shall be held not less than ten (10) days after the notice~~
15 ~~is received by the licensee. Hearings shall be conducted under rules~~
16 ~~issued by the zoning board of appeals. Such rules shall be consistent~~
17 ~~with the nature of the proceedings and shall ensure that each party~~
18 ~~may present evidence, cross-examine witnesses and be represented by~~
19 ~~legal counsel.~~ If, after the hearing, the administrative hearing
20 officer ~~director of community development or designee~~ finds that the
21 license should be revoked or suspended, the director or designee
22 shall issue a written order revoking or suspending such license.
- 23 (c) In cases of suspension, the written order shall specify the period
24 of suspension or the condition on which the suspension order shall
25 be lifted upon remedial action taken by the owner or operator.
-
- 26 (d) If there exists a licensed liquor establishment on the premises of
27 the hotel business, the director of community development shall give
28 notice to the liquor control commissioner or his designee of the
29 pendency of any hearing convened under this article. The liquor
30 control commissioner shall then determine whether an additional
31 hearing shall be convened pursuant to chapter 6 of the Code of
32 Ordinances.
- 33 (e) Any owner or operator whose license is revoked shall not be eligible
34 to receive a license for five (5) years from the date of revocation.
35 (Ord. No. 009-67, § 2, 8-11-09)

1 DIVISION 6. MOTOR VEHICLE STANDING, PARKING AND COMPLIANCE VIOLATIONS
2 ~~ADMINISTRATIVE ADJUDICATION SYSTEM~~

3 Sec. 27-101. - Purpose.

4 (a) The purpose of this division ~~The stated purpose of this division~~
5 is to provide a fair and efficient enforcement of municipal vehicular
6 standing, parking and compliance regulations as provided by law,
7 through an administrative adjudication of violations of such
8 regulations within the city, a uniform schedule of fines and penalties
9 and authority and procedures for collection of unpaid said fines and
10 penalties.

11 (b) For purposes of this division, "compliance violation" means a
12 violation of a municipal regulation governing the condition or use
13 of equipment on a vehicle. "Parking and compliance regulations"
14 include any municipal vehicular standing, parking and compliance
15 regulations.

16 (c) The provisions of this division shall be read in conjunction with
17 the provisions of chapter 3 with respect to the adjudication of
18 alleged violations. Administrative tasks assigned to the division of
19 administrative hearings in the law department in chapter 3 shall be
20 performed by the traffic compliance administrator.

21 (Ord. No. 094-12, § 1, 2-15-94)

22 Sec. 27-102. - Traffic compliance administrator ~~Administrative~~
23 ~~composition.~~

24 The traffic compliance administrator shall perform the following
25 duties with respect to ~~The system of administrative adjudication of~~
26 ~~vehicular standing, parking and compliance violations shall provide for~~
27 ~~a traffic compliance administrator and the hearing officer with the~~
28 ~~power, authority and limitations as are hereinafter set forth:~~

29 (a) The traffic ~~Traffic~~ compliance administrator ~~or their designee~~
30 shall be empowered and is hereby authorized and directed to:

31 (1) Operate and manage the system of administrative adjudication
32 of vehicular standing, parking and compliance violations.

33 (2) Adopt, distribute and process violation notices and other
34 notices as may be required to carry out the purpose of this
35 division.

- 1 (3) Collect moneys paid as fines and penalties assessed after a
2 final determination of violation liability.
- 3 (4) Certify copies of final determinations of violation
4 liability and factual reports, verifying that the final
5 determination of violation liability was issued in accordance
6 with this division and 625 ILCS 5/11-208.3.
- 7 (5) Provide such support as the division of administrative
8 hearings within the law department may require with respect to
9 the conduct of hearings upon alleged violations ~~Certify~~
10 ~~reports to the secretary of state concerning initiation of~~
11 ~~suspension of drivers licenses in accordance with the~~
12 ~~provisions of this division and 625 ILCS 5/6-306.5.~~
- 13 (6) ~~Review determinations of violation liability and notice of~~
14 ~~impending drivers license suspension, in an administrative~~
15 ~~review capacity in accordance with the provisions of this~~
16 ~~division.~~
- 17 (7) Promulgate rules and regulations reasonably required to
18 operate and maintain the administrative adjudication system
19 hereby created.
- 20 (8) Operate ~~Authorized and directed to operate~~ and maintain the
21 computer programs for the administrative adjudication system
22 hereby created, on a day to day basis, including but not
23 limited to:
- 24 a. Input of violation notice information.
- 25 b. Hearing dates and notice dates.
- 26 c. Fine and penalty assessments and payments.
- 27 d. Issuance of payment receipts.
- 28 e. Issuance of succeeding notices of hearing dates, final
29 determination of violation liability and impending drivers
30 license suspension, as directed by the traffic compliance
31 administrator in accordance with the provisions herein set
32 forth.
- 33 f. Keep accurate records of appearances and nonappearances
34 at administrative hearings, pleas entered, fines and
35 penalties assessed and paid.

1 (9) Work with the administration and other city departments and
2 divisions to develop the parking management policies document
3 to be on file within the office of the city clerk.

4 ~~(b) Hearing room personnel are hereby authorized and directed to:~~

5 ~~(1) Maintain hearing room decorum.~~

6 ~~(2) Have authority as is granted to courtroom bailiffs of the~~
7 ~~circuit court.~~

8 ~~(3) Perform such other duties or acts as may reasonably be~~
9 ~~required and directed by the hearing officer or traffic~~
10 ~~compliance administrator; provided that this position is~~
11 ~~limited to off-duty, full-time, part-time or auxiliary police~~
12 ~~officers.~~

13 (c) The mayor is hereby authorized to appoint persons to hold the
14 positions above set forth. ~~One (1) person may hold and fulfill~~
15 ~~the requirements of one (1) or more of the above-stated positions.~~

16 (d) Compensation to be paid for each of the above-stated positions
17 shall be as determined by the mayor and approved by the city
18 council in the ordinary course of the budget and expenditure
19 processes.

20 (Ord. No. 094-12, § 1, 2-15-94; Ord. No. 013-005, § 1 (Exh. A), 2-12-13)
21 Sec. 27-103. - Violation notice procedure.

22 In lieu of the requirements of sec. 3-105, notices that allege a
23 violation of any parking or compliance regulation shall be issued in
24 conformity with this section. ~~The system of administrative adjudication~~
25 ~~of vehicular standing, parking and compliance violations shall be~~
26 ~~commenced in accordance with the following procedures; and final~~
27 ~~determinations of violation liability, notice of impending drivers~~
28 ~~license suspension, and collections shall be made only in accordance~~
29 ~~with this division.~~

30 (a) Vehicular standing, parking and compliance violation notices
31 shall be issued by the person(s) authorized herein and shall
32 contain information and shall be served, certified and have
33 evidentiary admissibility as is hereinafter set forth.

1 (b) All full-time and part-time police officers as well as other
2 specifically appointed individuals shall have the authority to
3 issue violation notices.

4 (c) Any individual authorized hereby to issue violation notices who
5 detects a violation of any section of any applicable ordinance,
6 shall issue a notice of violation thereof and shall make service
7 thereof as is hereinafter set forth.

8 (d) The violation notice shall contain, but shall not be limited
9 to, the following information:

10 (1) The date, time and place of the violation (date of issuance).

11 (2) The particular regulation violated.

12 (3) Vehicle make and state registration number.

13 (4) The fine, the fine due date and the penalty which may be
14 assessed for late payment. The fine due date shall be
15 determined pursuant to the definition listed in section 27-2
16 hereof.

17 (5) The signature and/or identification number of the person
18 issuing the notice.

19 (6) A section entitled "Request for Hearing" which shall clearly
20 set forth that the registered owner or lessee may appear at an
21 initial administrative hearing to contest the violation on its
22 merits, on the date and at the time and place as specified in
23 the violation notice, and prevent the addition of an initial
24 late penalty, by:

25 a. Checking or placing a mark in a space provided and clearly
26 identified, "Request for Hearing."

27 b. Placing his/her name and current address in the place
28 provided.

29 c. Signing his/her name in the appropriate indicated place.

30 d. Filing the violation notice, with the "Request for
31 Hearing" section fully completed, with the traffic
32 compliance administrator in person or postmarked by the
33 fine due date listed on the violation notice. Filing by
34 such deadlines shall prevent addition of an initial late

1 penalty. The filing shall be deemed completed upon receipt
2 by the traffic compliance administrator.

3 (7) The date, time and place of an administrative hearing at
4 which the violation may be contested on its merits.

5 (8) That payment of the indicated fine and any late payment
6 penalty shall operate as a final disposition of the violation.

7 (9) A section entitled, "Request for Hearing-Nonappearance,"
8 which clearly sets forth that a registered owner or lessee may
9 file for the initial administrative hearing to contest the
10 violation on its merits without personally appearing by:

11 a. Checking or placing a mark in a space provided and clearly
12 identified, "Request for Hearing-Nonappearance."

13 b. Placing his/her name and current address in the place
14 provided.

15 c. Signing his/her name in the appropriate indicated place.

16 d. Filing the violation notice, with the "Request for
17 Hearing-Nonappearance" section fully completed, with the
18 traffic compliance administrator postmarked by the fine due
19 date. Filing by such deadlines shall prevent addition of
20 an initial late penalty. The filing shall be deemed
21 completed if postmarked by the due dates herein specified.

22 e. Filing a notarized statement of facts specifying the
23 grounds for challenging the violation notice, which must
24 be filed with the traffic compliance administrator
25 postmarked by the fine due date. The filing shall be deemed

26 completed if postmarked by the due dates herein specified.

27 f. A clearly marked statement that execution of the "Request
28 for Hearing-Nonappearance" is a waiver of the owner's right
29 to a personal appearance and that the adjudication will be
30 made based upon the notarized statement of facts submitted
31 by the owner and the facts contained in the violation
32 notice.

33 (e) Service of the violation notice shall be made by the person
34 issuing such notice by:

- 1 (1) Affixing the original or a facsimile of the notice to an
2 unlawfully standing, parked or noncompliant vehicle, or
3 (2) Handing the notice to the registered owner, operator or
4 lessee of the vehicle, if present.
- 5 (f) The correctness of facts contained in the violation notice shall
6 be certified by the person issuing said notice by:
- 7 (1) Signing his/her name to the notice and/or identification
8 number at the time of service, or
9 (2) In the case of a notice produced by a computer device, by
10 signing a single certificate, to be kept by the traffic
11 compliance administrator, attesting to the correctness of all
12 notices produced by the device while under the signatory's
13 control.
- 14 (g) The original or a facsimile of the violation notice shall be
15 retained by the traffic compliance administrator and kept as a
16 record in the ordinary course of business.
- 17 (h) Any violation notice issued, signed and served in accordance
18 herewith, or a copy of the notice, shall be prima facia evidence
19 of the correctness of the facts shown on the notice.
- 20 (i) The violation notice or a copy shall be admissible in any
21 subsequent administrative or judicial proceeding to the extent
22 permitted by law.
- 23 (Ord. No. 094-12, § 1, 2-15-94; Ord. No. 013-005, § 1 (Exh. A), 2-12-13;
24 Ord. No. 015-056, § 3, 9-8-15)
- 25 Sec. 27-104. - Administrative hearings.

26 An administrative hearing to adjudicate an the alleged violation of
27 a parking or compliance regulation shall be conducted in accordance with
28 the provisions of chapter 3 of this code. In addition to the procedural
29 provisions set forth in chapter 3, the following shall apply to hearings
30 involving a parking or compliance regulation: ~~standing, parking or~~
31 ~~compliance regulation violation on its merits:~~

- 32 (a) Shall be granted to the registered owner of the cited vehicle,
33 or the lessee of the cited vehicle pursuant to 625 ILCS 5/11-1306,
34 as and when the lessee is provided to the city.

(b) Shall be at the date, time and place as is set forth in the violation notice issued and served, or such additional notices as are issued in accordance with this division. Violators shall be given no less than two (2) opportunities to appear; and failure to appear by the second scheduled hearing date will result in a determination of liability as hereinafter set forth. Such hearing dates shall be scheduled automatically thereafter, approximately one (1) month apart, unless and until the violator shall appear thereat.

(c) ~~Shall be tape recorded.~~

(d) ~~Shall culminate in a determination of liability or nonliability made by the hearing officer, upon the appearance of the violator or at the second hearing, who shall consider testimony and other evidence without the application of the formal or technical rules of evidence.~~ The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with section 27-109 hereof.

~~(e) Shall allow persons appearing to contest the violation on its merits to be represented by counsel at their own expense.~~

~~(f) Shall be subject to review as is hereinafter set forth.~~

(Ord. No. 094-12, § 1, 2-15-94; Ord. No. 003-75, § 2, 6-24-03)

Sec. 27-105. - Additional notices.

Upon failure of the registered owner or lessee of the cited vehicle to appear at the initial administrative hearing indicated in the ~~vehicular standing, parking or compliance~~ violation notice or at a subsequent hearing date, and also upon final determination of violation liability, the traffic compliance administrator shall send or cause to be sent certain additional notices which:

(a) Shall be sent to the registered owner of the cited vehicle at the address as is recorded with the secretary of state.

(b) Shall be sent to the lessee, if applicable, of the cited vehicle at the address last known to the lessor of the cited vehicle at the time of the lease, as and when provided to the city.

(c) Shall be sent by first-class mail, postage prepaid.

1 (d) Shall be deemed complete as of the date of deposit in the United
2 States mail.

3 (e) Shall be in the following sequence and contain, but not be
4 limited to, the following information:

5 (1) Upon the failure of the registered owner or lessee of the
6 cited vehicle to appear at the hearing set forth in the
7 violation notice, additional notices shall be sent, and shall
8 contain, but not be limited to, the following information:

9 a. Date and location of violation cited in the violation
10 notice.

11 b. Particular standing, parking or compliance regulation
12 violated.

13 c. Vehicle make and state registration.

14 d. The fine, the fine due date and the penalty which may be
15 assessed for late payment. The fine due date shall be
16 determined pursuant to the definition listed in section 27-
17 2 hereof.

18 e. Notice to the registered owner or lessee of the current
19 status, other than paid in full.

20 f. Date, time and place of the next administrative hearing
21 at which the alleged violation may be contested on its
22 merits.

23 g. A statement that failure to either pay the fine and any
24 applicable penalty or appear at a subsequent hearing on its
25 merits on the date and at the time and place specified will

26 result in a determination of liability in the amount of the
27 fine and penalty indicated.

28 h. A statement that upon the occurrence of a determination
29 of liability, and the exhaustion of, or the failure to
30 exhaust, available administrative and judicial procedures
31 for review, any unpaid fine or penalty will constitute a
32 debt due and owing the city.

33 (2) A notice of final determination of violation liability shall
34 be sent following an appearance by the violator and a
35 determination of liability, or the failure to appear by the

1 violator by the second hearing date, and upon conclusion of
2 any administrative and judicial review as is hereinafter set
3 forth, and the notice shall contain, but not be limited to,
4 the following information and warnings:

5 a. A statement that the unpaid fine and penalty assessed is
6 a debt due and owing the city.

7 b. A warning that failure to pay the fine and penalty due
8 and owing the city within the time specified may result in
9 the filing of a complaint in the circuit court to have the
10 unpaid fine or penalty rendered a judgment in accordance
11 with 625 ILCS 5/11-208.3(f).

12 ~~e. A warning that the person's drivers license may be~~
13 ~~suspended for failure to pay fines and penalties for ten~~
14 ~~(10) or more violations under 625 ILCS 5/6-306.5.~~

15 ~~(3) A notice of impending suspension of drivers license shall~~
16 ~~be sent to any person determined to be liable for the payment~~
17 ~~of any fine or penalty that remains due and owing on ten (10)~~
18 ~~or more vehicular standing, parking or compliance violations~~
19 ~~under 625 ILCS 5/6-306.5 and shall state that the failure to~~
20 ~~pay the fine or penalty owing within forty five (45) days of~~
21 ~~the date of the notice will result in the city notifying the~~
22 ~~secretary of state that the person is eligible for initiation~~
23 ~~of suspension proceedings.~~

24 (Ord. No. 094-12, § 1, 2-15-94; Ord. No. 003-75, § 2, 6-24-03; Ord. No.
25 013-005, § 1 (Exh. A), 2-12-13)

26 Sec. 27-106. - Final determination of violation liability.

27 A final determination of violation liability shall occur:

28 (a) Following the failure to pay the total fine and penalty assessed
29 upon a determination of violation liability, or

30 (b) Where a person fails to appear by the second administrative
31 hearing on the date and at the time and place specified in a prior
32 served or mailed notice, upon the hearing officer's determination
33 of liability thereupon, and:

34 (1) Upon denial of a timely petition under section 27-107, to
35 set aside that determination, or

1 (2) Upon the expiration of the period for filing such a petition
2 without a filing having been made.

3 (Ord. No. 094-12, § 1, 2-15-94; Ord. No. 003-75, § 2, 6-24-03)

4 Sec. 27-107. - Relief from Default Judgment ~~Administrative review.~~

5 A written petition to set aside a determination of a violation by an
6 administrative hearing officer under this division, ~~vehicular standing,~~
7 ~~parking or compliance violation liability~~ for failure to appear, under
8 section 27-106(b), may be filed by a person owing an unpaid fine or
9 penalty in the manner and subject to the restrictions hereinafter set
10 forth:

11 (a) The petition must be filed with the traffic compliance
12 administrator not later than fourteen (14) days from the date the
13 determination of liability was made.

14 (b) The administrative hearing officer ~~traffic compliance~~
15 ~~administrator~~ shall render a decision on a timely filed petition
16 within fourteen (14) days of the date received by him/her.

17 (c) The grounds for setting aside a determination of liability shall
18 be limited to the following:

19 (1) The person against whom the determination of liability is
20 made not being the owner or lessee of the cited vehicle on the
21 date the violation notice was issued.

22 (2) The person having paid the fine or penalty prior to the
23 determination of liability for the violation in question.

24 (3) Excusable failure to appear at or request a new date for any
25 hearing.

26 (d) Should the determination of liability be set aside:

27 (1) The traffic compliance administrator shall notify the owner
28 or lessee that the determination of liability has been set
29 aside, and of a date, time and place for a hearing on the
30 merits of the violation for which the determination of
31 liability has been set aside.

32 (2) Notice of setting aside of the determination of liability
33 and of the new hearing date shall be by first-class mail,
34 postage prepaid to the address set forth on the petition

1 hereunder, and service thereof shall be complete on the date
2 the notice is deposited in the United States mail.

3 (Ord. No. 094-12, § 1, 2-15-94)

4 Sec. 27-108. - Nonappearance procedures.

5 Any person who has been served vehicular standing, parking or
6 compliance violation notices may contest the alleged violation on its
7 merits without personally appearing at an administrative hearing by:

8 (a) Completing, in full, the "Request for Hearing-Nonappearance"
9 section of the violation notice served upon him/her pursuant to
10 this division.

11 (b) Signing in the space specified in the violation notice,
12 acknowledging that his/her personal appearance is waived and
13 submitting to an adjudication based upon the notarized statement
14 filed by him/her and the facts contained in the violation notice.

15 (c) Filing the violation notice, with the "Request for Hearing-
16 Nonappearance" section fully completed, with the traffic
17 compliance administrator postmarked by the fine due date. The
18 filing shall be deemed completed if postmarked by the due dates
19 herein specified.

20 (d) Filing a notarized statement of facts specifying the grounds
21 for challenging the violation notice, which must be filed with
22 the traffic compliance administrator postmarked by fine due date.
23 The filing shall be deemed completed if postmarked by the due
24 dates herein specified. A "Request For Hearing-Nonappearance"
25 after the fine due date with cause may be accepted for hearing
26 consideration and decision, at the discretion of the traffic
27 compliance administrator.

28 (e) The hearing officer shall make an adjudication based upon the
29 facts set forth in the notarized statement of facts submitted by
30 the owner and the facts contained in the violation notice.

31 (f) Notice of the determination of the hearing officer shall be
32 served upon the owner by first-class mail, postage prepaid,
33 addressed to the address set forth in the statement of facts
34 submitted by the owner.

(g) Service of the notice of such determination shall be complete on the date the notice is deposited in the United States mail.

(h) All other provisions of this division shall apply equally to persons waiving their right to appear in person.

(Ord. No. 094-12, § 1, 2-15-94; Ord. No. 013-005, § 1(Exh. A), 2-12-13)

Editor's note- Ord. No. 013-005, § 1(Exh. A), adopted Feb. 12, 2013, changed the title of § 27-108 from "Nonresident procedures" to "Nonappearance procedures."

Sec. 27-109. - Schedule of fines/penalties.

(a) The fines and penalties which shall be imposed for violations of parking or compliance regulations ~~vehicular standing, parking or compliance violations~~ shall be in an amount determined pursuant to section 27-8 titled Fees, fines and penalties.

(b) The fine due date shall be as defined in section 27-2 titled Definitions, rules of construction.

(c) The penalty schedule herein set forth shall be uniformly applied for each violation of any applicable city ordinance if a fine is not paid prior to the fine due date or at the first hearing. The penalty schedule includes the following levels:

Level 1 Penalty if fine paid after the fine due date but prior to the first hearing date.

Level 2 Penalty if fine paid after the first hearing date but prior to the second hearing date.

Level 3 Penalty if fine is paid after second hearing.

(d) ~~Unless otherwise specified, all local standing, parking or vehicle~~ compliance regulations, and those provisions of the Illinois Compiled Statutes governing the standing or parking or compliance of vehicles are eligible for enforcement and adjudication within the geographical boundaries of the city and in those areas subject to off-street parking agreements, all pursuant to this division.

(e) No person shall park in parking facilities where spaces are numbered, including parking facilities referenced in section 27-229 of this chapter, without first entering their license plate number, if payment via license plate number is available, or the space number

1 their vehicle occupies into the daily fee vending machine and paying
2 the appropriate fee.

3 (Ord. No. 094-12, § 1, 2-15-94; Ord. No. 096-20, § 1, 2-27-96; Ord. No.
4 000-41, § 1, 4-25-00; Ord. No. 001-70, § 1, 7-17-01; Ord. No. 002-60, §
5 1, 5-28-02; Ord. No. 003-75, § 3, 6-24-03; Ord. No. 003-125, § 1, 9-30-
6 03; Ord. No. 004-48, § 1, 5-11-04; Ord. No. 005-111, § 2, 9-7-05; Ord.
7 No. 008-63, § 2, 6-24-08; Ord. No. 013-005, § 1 (Exh. A), 2-12-13; Ord.
8 No. 015-056, § 2, 9-8-15)

9 ~~Sec. 27-110. — Certified report and contesting certified report.~~

10 ~~(a) — Upon a failure to pay fines and penalties deemed due and owing the~~
11 ~~city after the exhaustion of the procedures set forth herein,~~
12 ~~including expiration of notice under section 27-105(e)(3), for ten~~
13 ~~(10) or more vehicular standing, parking or compliance violations,~~
14 ~~the traffic compliance administrator shall make a certified report,~~
15 ~~pursuant to 625 ILCS 5/6-306.5(c), to the secretary of state stating~~
16 ~~that the owner or lessee of a registered vehicle has failed to pay~~
17 ~~the fine or penalty due and owing the city as a result of ten (10)~~
18 ~~or more such violations, and thereby shall initiate the suspension~~
19 ~~of that person's drivers license.~~

20 ~~(b) — The traffic compliance administrator shall take no further action~~
21 ~~thereafter unless and until the fines and penalties due and owing the~~
22 ~~city are paid or upon determination under subsection (c) and (d)~~
23 ~~hereof that the inclusion of the person's name on the certified report~~
24 ~~was in error. At either such time, the traffic compliance~~
25 ~~administrator shall submit to the secretary of state a notification~~
26 ~~which shall result in the halting of a drivers license suspension~~
27 ~~proceeding pursuant to 625 ILCS 5/6-306.5(d). The person named~~
28 ~~therein shall receive a certified copy of such notification upon~~
29 ~~request and at no charge.~~

30 ~~(c) — Persons may challenge the accuracy of the certified report by~~
31 ~~completing and filing within twenty-one (21) days of the date of the~~
32 ~~secretary of state's notice under 625 ILCS 5/6-306.5(b) a form~~
33 ~~provided by the traffic compliance administrator. The form shall~~
34 ~~specify the grounds on which such challenge is based. Grounds for~~
35 ~~challenge shall be limited to the following:~~

1 ~~(1) The person was neither the owner nor the lessee of the vehicle~~
2 ~~so receiving the ten (10) or more applicable violation notices on~~
3 ~~the date or dates such notices were issued; or~~

4 ~~(2) The person has paid the fine and penalty for the ten (10) or~~
5 ~~more violations indicated on the Certified Report.~~

6 ~~(d) The traffic compliance administrator shall give notice of a~~
7 ~~determination thereupon within fourteen (14) days of receipt of the~~
8 ~~form and shall notify the person filing the challenge of the~~
9 ~~determination, and, if applicable, shall notify the secretary of~~
10 ~~state under subsection (b) hereof.~~

11 ~~(Ord. No. 094-12, § 1, 2-15-94)~~

12 Sec. 27-111. - Judicial review.

13 Judicial review of final determinations of violation liability under
14 this division shall be subject to the provisions of the Administrative
15 Review Law, 735 ILCS 5/301 et seq.

16 (Ord. No. 094-12, § 1, 2-15-94)

17 Sec. 27-112. - Debt to municipality.

18 Any fine, penalty or part of any fine or penalty assessed in
19 accordance with the provisions of this division and remaining unpaid
20 after the exhaustion of, or the failure to exhaust, administrative
21 procedures under this division and the conclusion of any judicial review
22 procedures, shall be a debt due and owing the city, and, as such, may
23 be collected in accordance with applicable law and as provided in section
24 27-113. Payment in full of any fine and penalty resulting from a
25 standing, parking or compliance violation shall constitute a final
26 disposition of that violation.

27 (Ord. No. 094-12, § 1, 2-15-94)

28 Sec. 27-113. - Judgment.

29 (a) The city shall, following the expiration of the period within which
30 judicial review may be sought for a final determination of violation
31 liability, take all necessary action, to obtain a judgment against
32 and collect moneys from the persons who have been assessed fines or
33 penalties which remain unpaid and have become a debt due and owing
34 the municipality in accordance with the provisions of this division
35 and 625 ILCS 5/11-208.3 as follows:

(1) A complaint shall be filed in the circuit court praying for the entry of a judgment against the person for whom a final determination of violation liability has been made, which shall have appended:

a. A certified copy of the final determination of violation liability.

b. A certification that recites facts sufficient to show that the final determination of violation liability was issued in accordance with this division and 625 ILCS 5/11-208.3.

(2) Nothing shall prevent the city from consolidating multiple final determinations of violation liability in any one (1) action in the circuit court against an individual or entity.

(3) Thereafter, the city may pursue all available remedies allowed by law to collect judgments for the recovery of money.

(b) Service of summons and a copy of the complaint may be upon the person against whom a judgment is sought under the provisions of this division by any method provided under 735 ILCS 5/2-203, or may be by certified mail, return receipt requested, provided the total amount of fines and penalties for all final determinations of violation liability thereunder does not exceed the amount determined pursuant to section 27-8 titled Fees, fines and penalties.

(Ord. No. 094-12, § 1, 2-15-94; Ord. No. 013-005, § 1 (Exh. A), 2-12-13)

DIVISION 7. - AUTOMATED TRAFFIC LAW ENFORCEMENT ~~SYSTEM~~

Sec. 27-114. - ~~Purpose~~-Establishment of automated traffic law enforcement system.

(a) The purpose of this division is to provide for the establishment of an automated traffic law enforcement system which shall be administered by the office of city traffic engineer, in consultation with the police department and the traffic compliance administrator.

(b) The system shall utilize a traffic control signal monitoring device which records, through photographic means, the vehicle and the vehicle registration plate of a vehicle operated in violation of Section 11-306(c) of the Illinois Vehicle Code, 625 ILCS 5/11-306(c).

(c) A program shall be established which utilizes an automated traffic law enforcement system at various vehicle traffic intersections

1 identified by the city traffic engineer, with the advice of the police
2 department. The intersections chosen for the program shall be located
3 throughout the city.

4 (d) Except as provided in chapter 3 of this code, the office of city
5 traffic engineer, the police department, and the traffic compliance
6 administrator designated pursuant to division 5 of this chapter shall
7 adopt rules and regulations as may be necessary for the proper
8 enforcement and administration of this division.

9 (e) Hearings required by this division shall be conducted by an
10 administrative hearing officer appointed pursuant to chapter 3 of
11 this code and, except as provided in this division, in accordance
12 with the procedures set forth in chapter 3.

13 (f) The traffic compliance administrator shall provide such
14 administrative support to the division of administrative hearings in
15 the law department in chapter 3 as may be required for the efficient
16 adjudication of alleged violations.

17 Sec. 27-115. - Red light violation.

18 (a) The registered owner of record of a vehicle is liable for a
19 violation of this section and a fine, in an amount determined pursuant
20 to section 27-8 titled Fees, fines and penalties, when the vehicle
21 is used in violation of Section 11-306(c) of the Illinois Vehicle
22 Code, 625 ILCS 5/11-306(c), and that violation is recorded by a
23 traffic control signal monitoring device. A photographic recording
24 of a violation obtained by a traffic control signal monitoring device
25 shall be prima facie evidence of a violation of this section. It
26 shall be a defense to a violation of this section that:

27 (1) The operator of the vehicle was issued a uniform traffic
28 citation for a violation of Section 11-306(c) of the Illinois
29 Vehicle Code, 625 ILCS 5/11-306(c); or

30 (2) The violation occurred at any time during which the vehicle or
31 its state registration plates were reported to a law enforcement
32 agency as having been stolen and the vehicle or its plates had
33 not been recovered by the owner at the time of the alleged
34 violation; or

(3) The vehicle was leased to another, and, within sixty (60) days after the citation was mailed to the owner, the owner submitted to the traffic compliance administrator the correct name and address of the lessee of the vehicle identified in the citation at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department. Where the lessor complies with the provisions of this section, the lessee of the vehicle at the time of the violation shall be deemed to be the owner of the vehicle for purposes of this chapter. The traffic compliance administrator, within thirty (30) days of being notified by the lessor of the name and address of the lessee, shall mail the lessee a citation which contains the information required under Section 11-208.6 of the Illinois Vehicle Code, 625ILCS 5/11-208.6. For the purposes of this chapter, the term "leased vehicle" shall be defined as a vehicle in which a motor vehicle dealership or manufacturer has, pursuant to a written document, vested exclusive possession, use, control and responsibility of the vehicle to the lessee during the periods the vehicle is operated by or for the lessee.

(b) Under certain circumstances, as determined by the designated Aurora Police Department official, the provisions of this section do not apply to any authorized emergency vehicle, or any vehicle lawfully participating in a funeral procession.

(Ord. No. 009-68, § 1, 8-11-09; Ord. No. 013-005, § 1 (Exh. A), 2-12-13)
Sec. 27-116. - Citation notice.

In lieu of the requirements for notices of violations set forth in sec 3-105 of this code, for ~~For~~ each violation of Section 11-306(c) of the Illinois Vehicle Code, 625 ILCS 5/11-306(c), recorded by a traffic control signal monitoring device, the traffic compliance administrator shall mail a citation, within thirty (30) days after receiving information about the registered owner of the vehicle from the Secretary of State, to the registered owner of record of the vehicle used in the commission of the violation. The citation shall comply with the requirements of Sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 5/11-208.6, and shall include the name and

1 address of the registered owner of the vehicle; the vehicle make, if
2 available and readily discernable, and registration number; the offense
3 charged; the time, date and location of the alleged violation; the
4 applicable fine and monetary penalty which shall be automatically
5 assessed for late payment; information as to the availability of an
6 administrative hearing in which the citation may be contested on its
7 merits and the time and manner in which such hearing may be had; and
8 that the basis of the citation is a photographic record obtained by a
9 traffic control signal monitoring device.

10 (Ord. No. 009-68, § 1, 8-11-09)

11 Sec. 27-117. - Grounds for contesting liability adjudication by mail or
12 administrative hearing.

13 A person charged with violating Section 11-306(c) of the Illinois
14 Vehicle Code, 625 ILCS 5/11-306(c), recorded by a traffic control signal
15 monitoring device may contest the charge through an adjudication by mail
16 or at an administrative hearing limited to one (1) or more of the
17 following grounds with appropriate evidence to support:

18 (1) That the operator of the vehicle was issued a uniform traffic
19 citation for a violation of Section 11-306(c) of the Illinois
20 Vehicle Code, 625 ILCS 5/11-306(c); or

21 (2) That the violation occurred at any time during which the vehicle
22 or its state registration plates were reported to a law
23 enforcement agency as having been stolen and the vehicle or its
24 plates had not been recovered by the owner at the time of the
25 alleged violation; or

26 (3) That the vehicle was leased to another, and, within sixty (60)
27 days after the citation was mailed to the owner, the owner
28 submitted to the traffic compliance administrator the correct name
29 and address of the lessee of the vehicle identified in the citation
30 at the time of the violation, together with a copy of the lease
31 agreement and any additional information as may be required by
32 the department; or

33 (4) That the vehicle was an authorized emergency vehicle or was a
34 vehicle lawfully participating in a funeral procession; or

(5) That the facts alleged in the violation notice are inconsistent or do not support a finding that Section 11-306(c) of the Illinois Vehicle Code, 625 ILCS 5/11-306(c), was violated; or

(6) That the respondent was not the registered owner or lessee of the cited vehicle at the time of the violation.

(Ord. No. 009-68, § 1, 8-11-09)

Sec. 27-118. - Determination of liability.

The determination of liability for a citation issued under this chapter shall be made in accordance with chapter 3 of this code division ~~6 "Administrative Adjudication System," sections 27-101 through 27-113 of this Code,~~ and Sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 5/1 1-208.6.

(Ord. No. 009-68, § 1, 8-11-09)

Sec. 27-119. - Notice of final determination.

(a) If any fine or penalty is owing and unpaid after a determination of liability under this division has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the traffic compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 11-208.3 of the Illinois Vehicle Code, 625 ILCS 5/11-208.3.

(b) Any fine and penalty, if applicable, remaining unpaid after the notice of final determination of liability is sent shall constitute a debt due and owing the city which may be enforced in the manner set forth in this Code. Failure of the respondent to pay such fine or penalty within twenty-one (21) days of the date of the notice may result in the immobilization of the person's vehicle pursuant to the procedures described in section 27-65 of this Code.

(c) The city shall withdraw a violation notice, following reasonable collection efforts, when the notice was issued to a registered owner who is deceased at the time collection efforts are undertaken.

(Ord. No. 009-68, § 1, 8-11-09)

Sec. 27-120. - Supplementary enforcement.

The liability created by section 27-115 shall be imposed in addition to any liability otherwise provided for by any ordinance or statute

1 governing the movement of traffic and the program authorized by section
2 27-114 shall supplement enforcement of traffic regulations provided by
3 article II of this Code and the Illinois Motor Vehicle Code, 625 ILCS
4 5/100 et seq. and shall not replace or substitute for enforcement of
5 these or any other laws.
6 (Ord. No. 009-68, § 1, 8-11-09)

1 Sec. 29-48. - Vehicle seizure and impoundment.

2 (a) For purposes of this section and in accordance with Section 11-
3 208.7 of the Illinois Vehicle Code (625 ILCS 5/11-208.7), the
4 following terms shall be defined as follows:

5 *Hearing officer* shall mean an administrative hearing officer as set
6 forth in chapter 3 of this code ~~a licensed attorney, who has been~~
7 ~~licensed in the State of Illinois for a minimum of three (3) years,~~
8 ~~who is not an officer or employee of the city.~~

9 *Lessee* shall mean a person operating a motor vehicle pursuant to a
10 lease or any other such written document vesting exclusive possession,
11 use, control and responsibility of the motor vehicle during the
12 specified time period.

13 *Lienholder of record* shall mean a person holding a security
14 interest in a vehicle.

15 *Owner of record* shall mean the registered owner or record
16 titleholder of a motor vehicle as registered with the Secretary of
17 State of the State of Illinois.

18 (b) Police officers shall have the right to seize and impound a motor
19 vehicle, operated used or in the physical control of any person with
20 the permission, express or implied, of the owner of record, on any
21 public street within the City of Aurora that is used in the commission
22 or furtherance of violation of the following offenses, including any
23 subsequent amendments to such provisions:

24 (1) Operation or use of a motor vehicle in the commission of, or in
25 the attempt to commit, an offense for which a motor vehicle may
26 be seized and forfeited pursuant to Section 36-1 of the Illinois
27 Criminal Code of 2012 ("Criminal Code"), 720 ILCS 5/1-1, et seq.;

28 (2) Driving under the influence of alcohol, another drug or drugs,
29 an intoxicating compound or compounds, or any combination thereof,
30 in violation of Section 11-501 of the Illinois Vehicle Code
31 ("Vehicle Code");

- 1 (3) Operation or use of a motor vehicle in the commission of, or in
2 the attempt to commit an offense in violation of the Cannabis
3 Control Act, 720 ILCS 550/1, et seq.;
- 4 (4) Operation or use of a motor vehicle in the commission of, or in
5 the attempt to commit, an offense in violation of the Illinois
6 Controlled Substances Act, 720 ILCS 570/100, et seq.;
- 7 (5) Operation or use of a motor vehicle in the commission of, or in
8 the attempt to commit an offense in violation of Section 24-1
9 (unlawful use of weapons), 24-1.5 (reckless discharge of a
10 firearm) or 24-3.1 (unlawful possession of firearms and firearm
11 ammunition) of the Criminal Code of 2012;
- 12 (6) Driving while a driver's license, permit or privilege to operate
13 a motor vehicle is suspended or revoked pursuant to Section 6-303
14 of the Vehicle Code; except that vehicles shall not be subjected
15 to seizure or impoundment if the suspension is for unpaid citation
16 (parking or moving) or due to failure to comply with emission
17 testing;
- 18 (7) Operation or use of a motor vehicle while soliciting,
19 possessing, or attempting to solicit or possess cannabis or a
20 controlled substance, as defined by the Cannabis Control Act or
21 the Illinois Controlled Substances Act;
- 22 (8) Operation or use of a motor vehicle with an expired driver's
23 license, in violation of Section 6-101 of the Vehicle Code, if
24 the driver's license has been expired more than one (1) year;
- 25 (9) Operation or use of a motor vehicle without ever having been
26 issued a driver's license or permit, in violation of Section 6-
27 101 of the Vehicle Code, or operating a motor vehicle without ever
28 having been issued a driver's license or permit due to a person's
29 age;
- 30 (10) Operation or use of a motor vehicle by a person against whom
31 a warrant has been issued by a circuit court clerk in Illinois
32 for failing to answer charges that the driver violated Section 6-

1 101 (no valid driver's license), 6-303 (suspended or revoked
2 license), or 11-501 (driving under the influence) of the Vehicle
3 Code;

4 (11) Operation or use of a motor vehicle in the commission of, or
5 in the attempt to commit, an offense in violation of Article 16
6 (theft and other related offenses) of the Criminal Code of 2012;

7 (12) Paragraphs 9-3.3 (drug-induced homicide), 11-14
8 (prostitution), 11-14.1 (solicitation of a sex act), 11-14.3
9 (promoting prostitution); 11-14.4 (promoting juvenile
10 prostitution), 11-18 (patronizing a prostitute), 11-18.1
11 (patronizing a minor engaged in prostitution), 12-2 (aggravated
12 assault), 12-4 (aggravated battery), 20-1.1 (aggravated arson),
13 24-2.1 (unlawful use of firearm projectiles), 24-3.3 (unlawful
14 sale/delivery of firearms on premises of any school), or 33A-2
15 (armed violence) of the Criminal Code of 2012 (720 ILCS 5/9-3.3,
16 5/11-14, 5/11-14.1, 5/11-14.3, 5/11-14.4, 5/11-18, 5/11-18.1,
17 5/12-2, 5/12-4, 5/20-1.1, 5/24-2.1, 5/24-3.3 or 5/33A-2);

18 (13) Paragraph 3.5 of the Drug Paraphernalia Control Act (720 ILCS
19 600/3.5);

20 (14) Paragraph 6-101(d) through (e) (no valid driver's license) of
21 the Illinois Vehicle Code (625 ILCS 5/6-101(d) through (e)) in
22 conjunction with a violation of Paragraph 3-707 (operation of
23 uninsured vehicle) and 7-601 (required liability insurance) of
24 the Illinois Vehicle Code (625 ILCS 5/3-707, 7-601) or a similar
25 provision of this code:

26 (15) Reserved.

27 (16) 625 ILCS 5/11-401 (motor vehicle accident involving death or
28 personal injuries);

29 (17) 625 ILCS 5/11-503 (reckless driving/aggravated reckless
30 driving), including without limitation, (i) while the vehicle is
31 part of a funeral procession; or (ii) in a manner that interferes
32 with a funeral procession;

1 (18) 625 ILCS 5/11-506 (street racing/aggravated street racing);

2 (19) The use of a motor vehicle as part of the commission of a
3 felony not otherwise expressly listed herein shall be subject to
4 seizure and impoundment under this section;

5 (20) Operation or use of a motor vehicle in the commission of, or
6 in an attempt to commit any violation set forth in 625 ILCS 5/11-
7 208.7 and/or any misdemeanor or felony offense in Section 36-1 of
8 the Criminal Code of 2012 which may not otherwise referenced
9 herein or may be subsequently added via amendment.

10 (c) The owner of record of a vehicle that has been seized and impounded
11 pursuant to this section shall be liable to the city for an
12 administrative fee of five hundred dollars (\$500.00) in addition to
13 fees for the towing and storage of the vehicle as charged by the
14 towing company. The administrative fee of five hundred dollars
15 (\$500.00) shall be paid to the City of Aurora. Towing and/or storage
16 fees shall be collected by and paid to the person, firm, or entity
17 that tows and stores the impounded vehicle.

18 (d) Whenever a police officer has probable cause to believe that a
19 vehicle is subject to seizure and impoundment, pursuant to this
20 section, the police officer shall provide for the towing of the
21 vehicle by a towing company licensed under chapter 46, article I of
22 the city's Code of Ordinances. When the vehicle is towed, the police
23 officer shall notify, or make a reasonable attempt to notify, the
24 owner of record, lessee, or person identifying himself or herself as
25 the owner of record or lessee of vehicle, or any the person who is
26 found to be in control of the vehicle at the time of the alleged
27 violation, if there is such a person, of the fact of the seizure and
28 of the vehicle owner of record's or lessee's right to request an
29 administrative hearing to be conducted under this section. Said
30 vehicle shall be impounded pending the completion of the hearing
31 provided for in subsection (e) herein, unless the owner of record or
32 lessee of the vehicle posts, with the city, a cash bond in the amount

1 of five hundred dollars (\$500.00) plus fees for the towing and storage
2 of the vehicle.

3 (e) Within ten (10) days after a vehicle is seized and impounded
4 pursuant to this section, the city shall notify, by mailing a notice
5 via first class mail or certified mail, return receipt requested, to
6 the owner of record or lessee and any lienholder of record of the
7 date, time and location of a hearing that will be conducted pursuant
8 to this section. Notice served under this section is effective upon
9 mailing of the written notice to address of the owner of record,
10 lessee and any lienholder of record, as contained in registration
11 records of the Illinois Secretary of State. The hearing shall be
12 conducted no later than forty-five (45) days after the vehicle was
13 seized. All interested persons shall be given a reasonable
14 opportunity to be heard at the hearing. The formal rules of evidence
15 will not apply at the hearing and hearsay evidence shall be
16 admissible.

17 At the conclusion of the hearing, the hearing officer shall issue a
18 written decision either sustaining or overruling the seizure and
19 impoundment of the vehicle. If, after the hearing, the hearing officer
20 determines by a preponderance of evidence that the vehicle, operated
21 with the permission, express or implied, of the owner, was used in the
22 commission of any of the violations set forth in this section, the
23 hearing officer shall enter an order requiring the vehicle to continue
24 to be impounded until the owner of record, lessee, or lienholder of
25 record pays the administrative fee of five hundred dollars (\$500.00)
26 plus payment of fees for the towing and storage of the vehicle. The
27 administrative fee shall be a debt due and owing the city. However, if
28 a cash bond was posted, the bond shall be forfeited to the city. If
29 the hearing officer overturns the basis for the impoundment of the
30 vehicle, he or she shall order the return of the vehicle and any cash
31 bond that may have been posted.

32 (f) Unless the hearing officer overturns the basis for the vehicle
33 impoundment, no vehicle shall be released to the owner, lessee or

1 lienholder of record until all administrative fees and towing and
2 storage charges are paid.

3 (g) Pursuant to Chapter 4, Article II of the Illinois Vehicle Code,
4 entitled "Abandoned, Lost, Stolen or Unclaimed Vehicles, 625 ILCS
5 5/4-201, et seq.," which is adopted and incorporated herein, any
6 motor vehicle that is not reclaimed within thirty-five (35) days
7 after the entry of a final order, following a hearing under this
8 section, shall be deemed abandoned and may be disposed of as an
9 unclaimed vehicle as provided by law.

10 (h) This section shall not replace or otherwise abrogate any existing
11 state or federal laws or local ordinances pertaining to vehicle
12 seizure and impoundment.

13 (i) ~~The provisions of chapter 3 of this code statutory provisions of~~
14 ~~the Illinois Administrative Review Act ("Review Act"), 735 ILCS 5/3-~~
15 ~~101, et seq., and Section 11-208.7 of the Illinois Vehicle Code, 625~~
16 ~~ILCS 5/11-208.7, are hereby adopted and incorporated into this~~
17 ~~section. The Review Act shall apply to the review of all final~~
18 ~~decisions issued by the administrative hearing officer in~~
19 ~~administrative proceedings under this section.~~

20 ~~(j) Unless stayed by a court of competent jurisdiction, any fine,~~
21 ~~penalty, or administrative fee imposed under this section which~~
22 ~~remains unpaid in whole or in part after the expiration of the~~
23 ~~deadline for seeking judicial review under the Review Act may be~~
24 ~~enforced in the same manner as any judgment entered by a court of~~
25 ~~competent jurisdiction.~~

26 (Ord. No. 092-88, 10-20-92; Ord. No. 093-128, § 3, 12-21-93; Ord. No.
27 094-49, § 1, 5-17-94; Ord. No. 094-80, § 1, 8-16-94; Ord. No. 099-27,
28 § 1, 3-9-99; Ord. No. 009-72, § 2, 8-25-09; Ord. No. 015-024, § 2, 6-
29 23-15; Ord. No. 019-023, § 1(Exh. A), 4-23-19)

Sec. 29-129. - Burden of proof; procedure; fines and remedies.

- (a) At hearing before the administrative hearing officer, the city shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a nuisance property.
- (b) If a property owner is summoned before the hearing officer due to nuisance property, he shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: The physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged nuisance activity; and the possible sanctions that may be imposed upon the property owner. The notice shall be delivered, either personally or by U.S. mail, to each tenant on the property and must be posted in a prominent location on the property where the tenant(s) are likely to see it.
- (c) Such a hearing shall be held in accordance with the procedures as specified in chapter ~~3-12, article VII~~ of this Code, ~~except that sections 12-189, 12-190, and 12-191 shall not apply to this article.~~ The city's representative shall present evidence in support of its claim that the property is a nuisance property. The person in charge or the person in charge's local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable.
- (d) 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 the findings, decisions, and order. The hearing officer's decision shall be final and binding, except that the administrative review law, ~~as specified in section 12-192 of this Code,~~ shall be applicable. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the finding of fact, and an order for abatement of the nuisance activity or sanctioning the person in charge/owner/occupant, as specified in [subsection (e)] below, or dismissing the case in the event a violation is not proved.

- (1) A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten (10) business days. Service shall be in the same manner as specified in chapter 3 of this code~~section 29-12[8] (b) (1) d and e.~~
 - (2) Payment of any penalty or fine shall be made to the city finance department.
 - (3) In the event that the order provides for the abatement of nuisance activity, the hearing officer shall establish a status date, which would be after the date established for the abatement of the nuisance activity, in order to determine whether there has been compliance with the order. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the compliance with the order and continued abatement of the nuisance activity.
- (e) If the hearing officer makes a finding that a property was, or is, a nuisance property, he may impose any or all of the following remedies:
- (1) Fine the person in charge, and/or the owner/occupant of the property if those persons are different than the person in charge, not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the city proves by a preponderance of the evidence that the person in charge/owner/occupant failed to take reasonable and warranted measures to abate the nuisance activity. In establishing the amount of any fine, the hearing officer may consider any of the following factors:

- a. The actions taken by the person in charge/owner/occupant to mitigate or correct the nuisance activities at the property.
 - b. The repeated or continuous nature of the problem.
 - c. The magnitude or gravity of the problem.
 - d. How cooperative the person in charge/owner/occupant is with the city.
 - e. The cost to the city of investigating, correcting, or attempting to correct the nuisance activities.
 - f. Any other factor deemed relevant by the hearing officer. Evidence of a property's general reputation and/or the reputation of the persons in or frequenting it shall be admissible.
- (2) Order the person in charge/owner/occupant to take reasonable, timely and lawful measures to abate the nuisance activity, including specifying deadlines for the same, and in furtherance thereof, may order a period of continued compliance wherein the matter will be returned before the hearing officer to update him/her as to the continued nuisance-free status of the property for a period of up to one (1) year.
- (3) Suspend/revoke the rental license for the rental unit(s) involved in the nuisance or aggravated nuisance activity if such property is rented or leased. The hearing officer may order that said rental unit(s) be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. If the hearing officer suspends or revokes the rental license for the rental unit(s) involved in the nuisance activity, the person in charge, or the owner/occupant of the rental unit(s) if those persons are different than the person in charge, shall receive written notice from the law department that the license to operate said rental property or the right to lease said unit(s) is suspended or revoked, as the case may be. The suspension or revocation of any license, or any right to lease unit(s), shall

not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.

- (4) Suspend or revoke the occupancy permit that has been issued by the city for the establishment, business, club or any commercial entity that currently occupies the property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.
- (5) Close any business, office, commercial warehouse, manufacturing, industrial, office or research operation, plant, or any other commercial property, entity, or use located on or in the nuisance property. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year.
- (6) Order that a vacant or unused nuisance property of whatever use or a vacant lot which is a nuisance property, whether residential or commercial, be closed and secured against all unauthorized access, use, and occupancy. The hearing officer may order that the property be closed and secured against all unauthorized access, use, and occupancy for a period of up to one (1) year. The hearing officer may further require that the nuisance property be fenced and/or gated to physically restrict access. He may also require the hiring of security personnel to assure there is no unauthorized access, use, and occupancy.
- (7) Issue an order to close and secure any rented or leased, non-licensed, residential property against all unauthorized access, use, or occupancy for a period of not less than sixty (60) days, nor more than one (1) year.
- (f) The hearing officer shall require each landlord who is found to have violated this article to attend the next available landlord training class as administered by the Aurora Police Department or any other entity designated by the city.

(Ord. No. 008-98, § 1, 10-14-08; Ord. No. 019-012, § 1(Exh. A), 3-26-19)

Sec. 29-209. - Procedure.

Any person issued a ticket or citation under this section shall have the right to seek a hearing in front of the administrative hearing officer in accordance with chapter 3 of this this code.
~~subject to the following provisions:~~

- ~~(1) For purposes of this section, the administrative hearing officer shall be the individual who holds administrative hearings involving violations of the city's property maintenance code under chapter 12 of this Code of Ordinances and violations of the city's criminal nuisance ordinance under this chapter.~~
- ~~(2) Any person seeking a hearing by the administrative hearing officer shall file a written request within fourteen (14) calendar days after receipt of the ticket or citation. The written request must be received by the city's law department prior to the expiration of the fourteen-day period, or on the first date the law department is open for business after such period if the law department is closed on the fourteenth day. Mailing the request on such date is insufficient. If the petition is not received during this time period, then the ticket/citation shall become final and not subject to further review, and the city may proceed with collection of the fine or other such penalties as enumerated above.~~
- ~~(3) The written request shall state the reason(s) why the ticket is invalid and state the relief sought from the hearing officer. Upon receipt of the written request, the law department shall promptly set a time and date for a hearing on the petition and shall notify the petitioner of the same not less than seven (7) days prior to the date set for hearing. A hearing date may be continued by the administrative hearing officer for good cause.~~

~~(4) At such hearing, the administrative hearing officer shall give the petitioner an opportunity to be personally heard and to present witnesses and information relevant to the issue. The hearing officer shall also hear from the city and its witnesses and information. Upon conclusion of such hearing, and after consideration of any information presented by the petitioner and the city, a decision shall be made by the hearing officer either canceling or affirming the ticket/citation.~~

~~(5) The decision of the administrative hearing officer, reached at the conclusion of such hearing, shall be final. If applicable, the city may enforce such decision in any manner available by law or ordinance.~~

(Ord. No. 004-68, § 3, 6-29-04; Ord. No. 019-012, § 1 (Exh. A), 3-26-19)

ARTICLE IV. - PENALTIES

Sec. 32-51. ~~-Violations~~~~Ticket and hearing fines.~~

(a) Upon violation of any of the provisions of this chapter, a ticket may be written charging the violation and reciting the following penalties, and the offender may request a hearing be held before the administrative hearing officer in the manner set forth in chapter 3 of this code, who, upon a finding for the city, ~~or the city, who~~ shall apply the following penalties:

(1) A first offense shall be punishable by a fine not to exceed one hundred fifty dollars (\$150.00).

(2) A second offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

(3) A third offense shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(4) In addition to the monetary penalties above listed, upon a second or subsequent violation, the violator may be banned from peddling and soliciting, or otherwise doing business in the city for up to one (1) year.

(5) In addition to the monetary penalties above listed, and upon violation of sections 32-5 or 32-7, the violator may be prosecuted for violation of various trespass offenses under applicable law.

(6) In addition to the foregoing penalties, the administrative hearing officer may order the revocation of a permit issued under this chapter if, following a hearing, the hearing officer determines that a permittee or any of the permittee's agents has violated any provision of this chapter, or has refused to leave any premises when asked to do so, has made a false statement in the application, or becomes disqualified for the issuance of a solicitation permit under any provision of this chapter.

(b) Any business, mercantile or commercial establishment whose written materials regardless of content are in violation of this chapter shall be prima facie responsible for such violation and subject to the penalties expressed above.

(c) Any person so charged may not conduct business in the city until the administrative hearing process is concluded.

(Ord. No. 006-03, § 1(32-16), 1-24-06; Ord. No. 007-62, § 1(32-16), 5-22-07; Ord. No. 012-018, § 2, 3-13-12)

~~Sec. 32-52. — Revocation of permit.~~

~~(a) — Any permit issued may be revoked if the permittee or person engaged in solicitation on the permittee's behalf is convicted of a violation of any of the sections in this chapter, or has refused to leave any premises when asked to do so, has made a false statement in the application, or becomes disqualified for the issuance of a solicitation permit under any provision of this chapter. Immediately after the revocation, the city clerk or designee shall give the person written notice via email or by first class U.S. mail, return receipt requested, addressed to his or her residence address set forth in the application. The permit shall become null and void immediately on the service of the notice of revocation. Receipt of a revocation notice sent by mail shall be deemed given when the recipient signs or refuses to sign the return card or otherwise fails to claim the notice within the time allowed by the U.S. Postal Office.~~

~~(b) — Any person desiring to contest a revocation of a solicitation permit shall have the right to appeal such a decision to the corporation council or designee within fourteen (14) days after receipt of the city clerk or designee's notice of revocation by giving such notice in writing and requesting a hearing.~~

~~(c) — The corporation council or designee, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within thirty (30) days.~~

~~(d) — The corporation council or designee shall give written notice of the time, date and place for hearing to the permit holder at least five (5) days in advance of the hearing date.~~

~~(e) — The corporation council or designee shall not be bound by the rules of evidence prevailing in the courts of law but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence relating to the revocation of the permit.~~

~~(f) — The appealing party may supply at his or her own cost a court reporter.~~

71 ~~(g) Within ten (10) days after the close of the hearing, the corporation~~
72 ~~council or designee shall render a decision in writing and make it~~
73 ~~available to the appealing party.~~

74 ~~(h) This action taken by corporation council shall be final.~~

75 ~~(i) If a hearing is waived, the appealing party shall submit what~~
76 ~~documentation he or she desires to have the corporation council~~
77 ~~consider with the written appeal, and the corporation council or~~
78 ~~designee shall render a decision within fourteen (14) days of the~~
79 ~~filing of the written appeal.~~

80 ~~(Ord. No. 015-028, Att., 6-23-15)~~

81

1 Sec. 41.5-135. - Appeal of special event application denial.

2 (a) If special events coordinator denies a special event application,
3 the event organizer may appeal the denial to the city administrative
4 hearing officer in accordance with chapter 3 of this code and this
5 section.

6 ~~(b) For purposes of this article, the administrative hearing officer~~
7 ~~shall be the hearing officer who holds administrative hearings~~
8 ~~involving violations of the city's property maintenance code under~~
9 ~~chapter 12 of this Code.~~

10 (c) The event organizer must deliver an appeal to the city clerk, in
11 writing, no later than five (5) regular business days after the event
12 organizer is notified that the application was denied, or such appeal
13 shall be deemed waived.

14 (d) The law department, upon notification of appeal, shall promptly
15 set a time and date for a hearing. The applicant shall be given an
16 opportunity to be heard by the hearing officer upon any such denial
17 or revocation within fourteen (14) days of filing an appeal.

18 (e) At such hearing, the hearing officer shall give the violator an
19 opportunity to be personally heard and to present witnesses and
20 information relevant to the issue. The hearing officer shall also
21 hear from the city and its witnesses and information relevant to the
22 issue.

23 (f) The hearing officer must act on the appeal within three (3) business
24 days following the conclusion of any hearing and may uphold or reverse
25 the denial.

26 (g) In considering the appeal, the hearing officer shall apply the same
27 criteria as the special events coordinator under section 41.5-134
28 (approval or denial of special event application).

29 (h) The applicant shall receive written notice of the hearing officer's
30 decision, which shall be a final decision for the purposes of
31 administrative review under the Illinois Administrative Review Act,
32 735 ILCS 5/3-101, et seq.

33 (Ord. No. 019-002, § Exh. E, 1-22-19)

1 Sec. 44-19. - Administrative hearing.

2 The city may choose to use the administrative hearing process set
3 forth in chapter 3 of this code in order to enforce any provision of
4 this article, and likewise, any person wishing to contest a penalty/fine
5 arising under this article may request an administrative hearing. ~~Such~~
6 ~~administrative hearings shall be conducted in accordance with 65 ILCS~~
7 ~~5/1-2.1.~~

8 (Ord. No. 015-098, § 1, 12-8-15)

10 Sec. 44-121. - Suspension or revocation of licenses for failure to pay
11 tax; hearing.

12 If the mayor or other city official responsible for the issuance of
13 a city license, permit or other approval, other than including, but not
14 ~~limited to,~~ a liquor license, ~~after hearing held by or for him,~~ shall
15 find that any person has willfully evaded payment or collection and
16 remittance of the tax imposed by this article, he may suspend or revoke
17 such city license, permit or other approval held by such tax evader. The
18 person shall have an opportunity to contest the suspension or revocation
19 at a hearing before the administrative hearing officer conducted pursuant
20 to chapter 3 of this code. ~~be heard at such hearing to be held not less~~
21 ~~than seven (7) days after notice is given to him of the time and place~~
22 ~~of the hearing to be held, addressed to him at his last known place of~~
23 ~~business. Pending said notice, hearing and finding, any license, permit~~
24 ~~or other approval issued by the city to the person may be temporarily~~
25 ~~suspended.~~ No suspension or revocation hereunder shall release or
26 discharge said person from his civil liability for the payment or
27 collection and remittance of the tax, nor from prosecution for such
28 offense.

29 (Code 1969, § 44-121; Ord. No. 087-5685, § 1, 7-7-87; Ord. No. 016-014,
30 § 1, 3-22-16)

32 Sec. 44-126. - Hearings; procedure; findings; enforcement of
33 administrative decisions.

34 (a) The provisions of chapter 3 of this code shall govern the
35 adjudication of a determination of any liability for the payment of

1 ~~taxes required by this article. The city adopts Division 2.1 (the~~
2 ~~"division") of the Illinois Municipal Code (65 ILCS 5/1-2.1-1, et~~
3 ~~seq.) as it may be amended from time to time and as allowed by said~~
4 ~~division; provided, however, that the specific provisions of this~~
5 ~~article shall take precedence over any inconsistent provisions~~
6 ~~contained within said division.~~

7 (b) When an owner has failed to pay the amount set forth in notice of
8 tax liability issued pursuant to section 44-125 or there is any other
9 violation of this article, the treasurer or his or her designee shall
10 initiate administrative proceedings against said owner by preparing
11 a summons along with a copy of the notice of tax liability, indicating
12 the name and address of the owner, the type and nature of the
13 violation, and the date(s) of the violation and a hearing date. The
14 hearing date shall not be less than thirty (30) nor more than forty-
15 five (45) days from the date the summons is issued.

16 (c) One (1) copy of the notice of tax liability and summons shall be
17 maintained in the files of the finance department and shall be part
18 of the record of hearing and one (1) copy of the notice of tax
19 liability and summons shall be served, via any method set forth in
20 section 44-127 of this article, to the owner, commanding the owner
21 to appear at a hearing. If the name of the owner cannot be ascertained
22 or if service on the owner cannot be made by mail, service may be
23 made on the owner by posting or nailing a copy of the violation report
24 form on the front door of the establishment where the violation was
25 found, not less than twenty (20) days before the hearing date.

26 (d) At any time prior to the hearing date, the hearing officer assigned
27 to hear the case may, at the request of the treasurer or his or her
28 designee or the attorney for the city, or the owner or his attorney,
29 issue subpoenas directing witnesses to appear and give testimony at
30 the hearing.

31 (e) If on the date set for hearing the owner or his attorney fails to
32 appear, the hearing officer may find the owner in default and shall
33 proceed with the hearing and accept evidence relevant to the existence
34 of a violation of this article.

1 (f) No continuances shall be authorized by the hearing officer in
2 proceedings under this article except in cases where a continuance
3 is absolutely necessary to protect the rights of the owner. Lack of
4 preparation shall not be grounds for a continuance. Any continuance
5 under this article shall not exceed thirty (30) days, unless otherwise
6 authorized by the hearing officer. The case for the city may be
7 presented by the treasurer, his or her designee, or by any other city
8 employee or by an attorney designated by the city. The case for the
9 owner may be presented by the owner, his attorney, or any other
10 authorized agent or representative of owner.

11 (g) At the hearing, a hearing officer shall preside and shall hear
12 testimony and accept any evidence relevant to the existence or
13 nonexistence of a violation of this article. The strict rules of
14 evidence applicable to judicial proceedings shall not apply to
15 hearings authorized by this article.

16 (h) It shall be a defense to a violation charged under this article if
17 the owner, his attorney, or any other agent or representative proves
18 to the hearing officer's satisfaction that the violation alleged in
19 the notice does not in fact exist or if the payment of the amount set
20 forth in the notice of tax liability has been made, or at the time
21 of the hearing the violation has been remedied or removed; provided,
22 however, that if the violation alleged in the notice has been charged
23 to the owner on the same food establishment or liquor establishment
24 any time within the preceding twelve (12) months, then it shall not
25 be a defense if at the time of hearing the violation has been remedied
26 or removed.

27 (i) At the conclusion of the hearing, the hearing officer shall make
28 a determination, on the basis of the evidence presented at the
29 hearing, whether or not a violation exists. The determination shall
30 be in writing and shall be designated as the findings, decision and
31 order. The findings, decision and order shall include the hearing
32 officer's findings of fact, a decision whether or not a violation
33 exists based upon the findings of fact, and an order, ordering the
34 owner to correct the violation or dismissing the case in the event a
35 violation is not proved. If a violation is proved, the hearing officer

1 may also, without limitation, impose sanctions, as provided in this
2 article in addition to any amounts set forth in the notice of tax
3 liability, and/or suspend for any period up to thirty (30) days or
4 revoke the privilege tax certificate. A copy of the findings,
5 decision, and order shall be served on the owner; service shall be
6 in the same manner as the report form and summons are served by any
7 method allowed under this article. Payment of any penalty, fine,
8 sanctions, and/or tax liability shall be made to the city finance
9 department and the disposition of fine money may be determined, from
10 time to time, by separate ordinance or resolution of the city council.

11 (j) In the event that the same violation for the same owner is brought
12 before the hearing officer within a twelve-month time period, the
13 hearing officer may, after hearing relevant testimony, retain
14 jurisdiction over the violation, despite any correction thereof, and
15 establish a hearing date or dates to determine continued compliance
16 with the order. At such time, the hearing officer shall hear testimony
17 and accept any evidence relevant to the continued compliance of the
18 property with regard to any said repeated violation.

19 (k) The findings, decision and order of the hearing officer shall be
20 subject to review in the Circuit Court of the Sixteenth Judicial
21 Circuit, Kane County, and the provisions of the administrative review
22 law (735 ILCS 5/3-101 et seq.), and all amendments and modifications
23 thereto, and the rules adopted pursuant thereto, are adopted and
24 shall apply to and govern every action for the judicial review of the
25 final findings, decision and order of a hearing officer under this
26 article.

27 (l) Any fine, other sanction or costs imposed, or part of any fine,
28 other sanction or costs imposed remaining unpaid after the exhaustion
29 of, or the failure to exhaust, judicial review procedures under the
30 administrative review law shall be a debt due and owing the city and,
31 as such, may be collected in accordance with applicable law.

32 (m) After expiration of the period within which judicial review under
33 the administrative review law may be sought for a final determination
34 of the code violation, the city may commence a proceeding in the
35 circuit court for purposes of obtaining a judgment on the findings,

1 decision and order. Nothing in this section shall prevent the city
2 from consolidating multiple findings, decisions and orders against a
3 person in such a proceeding. Upon commencement of the action, the
4 city shall file a petition with a court of competent jurisdiction
5 which shall contain a recitation of the relevant facts, findings,
6 decision to show that the findings, decision and order was issued in
7 accordance with this article and applicable state law.

8 (Code 1969, § 44-126; Ord. No. 087-5685, § 1, 7-7-87; Ord. No. 016-014,
9 § 1, 3-22-16)

10
11 Sec. 44-196. - Suspension or revocation of licenses for failure to pay
12 tax; hearing.

13 If the mayor or other city official responsible for the issuance of
14 a city license, permit or other approval, other than including, but not
15 ~~limited to, a liquor license, after hearing held by or for him,~~ shall
16 find that any person has willfully evaded payment or collection and
17 remittance of the tax imposed by this article, he may suspend or revoke
18 the city license, permit or other approval held by such tax evader. Said
19 person shall have an opportunity to contest the suspension or revocation
20 at a hearing before the administrative hearing officer conducted pursuant
21 to chapter 3 of this code. ~~be heard at such hearing to be held not less~~
22 ~~than seven (7) days after notice is given to him of the time and place~~
23 ~~of the hearing to be held, addressed to him at his last known place of~~
24 ~~business. Pending the notice, hearing and finding, any license, permit~~
25 ~~or other approval issued by the city to the person may be temporarily~~
26 ~~suspended.~~ No suspension or revocation hereunder shall release or
27 discharge the person from his civil liability for the payment or
28 collection and remittance of the tax, nor from prosecution for such
29 offense.

30 (Ord. No. 087-5754, § 1, 12-29-87)

31
32 Sec. 44-381. - Definitions.

33 Certain words or terms herein shall have the meaning ascribed to
34 them as follows:

35 Act means the "Local Government Taxpayers' Bill of Rights Act."

1 *City* means the City of Aurora, Illinois.

2 *Corporate authorities* means the city's mayor and city council.

3 *Hearing officer* means an administrative hearing officer qualified
4 under chapter 3 of this code ~~individual appointed by the mayor with~~
5 ~~the advice and consent of the corporate authorities to conduct~~
6 ~~hearings and to issue final determinations regarding the collection of~~
7 ~~locally imposed and administered taxes.~~

8 *Local tax administrator* means the city's treasurer who is charged
9 with the administration and collection of the locally imposed and
10 administered taxes, including staff, employees or agents to the extent
11 they are authorized by the local tax administrator to act in the local
12 tax administrator's stead. The local tax administrator shall have the
13 authority to implement and give full effect to the terms of this
14 article. The exercise of such authority by the local tax administrator
15 shall not be inconsistent with this article and the Act.

16 *Locally imposed and administered tax or tax* means each tax imposed
17 by the city that is collected or administered by the city and not an
18 agency or department of the state. It does not include any taxes
19 imposed upon real property under the property tax code or fees
20 collected by the city other than infrastructure maintenance fees.

21 *Notice* means each audit notice, collection notice or other similar
22 notice or communication in connection with each of the city's locally
23 imposed and administered taxes.

24 *Tax ordinance* means each ordinance adopted by the city that imposes
25 any locally imposed and administered tax.

26 *Taxpayer* means any person required to pay any locally imposed and
27 administered tax and generally includes the person upon whom the legal
28 incidence of such tax is placed and with respect to consumer taxes
29 includes the business or entity required to collect and pay the
30 locally imposed and administered tax to the city.

31 (Ord. No. 000-194, § 1, 12-26-00)

32
33 Sec. 44-388. - Hearing.

34 (a) Whenever a taxpayer or a tax collector has filed a timely written
35 protest and petition for hearing under section 48-387 of this Code,

1 the local tax administrator shall conduct a hearing regarding any
2 appeal. The taxpayer may request that a hearing officer conduct the
3 hearing rather than the local tax administrator. Hearings conducted
4 before an hearing officer shall be conducted in accordance with the
5 provisions of chapter 3 of this code in lieu of the provisions of
6 this section.

7 (b) No continuances shall be granted except in cases where a
8 continuance is absolutely necessary to protect the rights of the
9 taxpayer. Lack of preparation shall not be grounds for a continuance.
10 Any continuance granted shall not exceed fourteen (14) days.

11 (c) At the hearing, the local tax administrator/~~hearing officer~~ shall
12 preside and shall hear testimony and accept any evidence relevant to
13 the tax determination, audit or assessment. The strict rules of
14 evidence applicable to judicial proceedings shall not apply.

15 (d) At the conclusion of the hearing, the local tax
16 administrator/~~hearing officer~~ shall make a written determination on
17 the basis of the evidence presented at the hearing. The taxpayer or
18 tax collector shall be provided with a copy of the written decision.

19 (Ord. No. 000-194, § 1, 12-26-00)

1 Sec. 46-29. - Removal or suspension from roster.

2 (a) Any deviation from the requirements established in this article,
3 except for violations of section 46-18, or failure at any time to
4 provide reasonable, quick and efficient service at the rates
5 prescribed may result in the temporary suspension for no more than
6 thirty (30) days or removal of the name of such firm from the roster
7 upon the recommendation of the police chief.

8 (b) The police chief shall provide the tow operator with written notice
9 at least fifteen (15) days prior to the effective date of the
10 suspension/removal by delivering said notice to the tow operator's
11 place of business. Said written notice shall include; 1) the effective
12 date of the suspension/removal; 2) whether the suspension/removal is
13 temporary or permanent; 3) the allegations which form the basis of
14 the suspension/removal; 4) the actions, if any, the tow operator may
15 take to prevent the suspension/removal from occurring; and 5) the
16 procedure which the tow operator must follow to request a hearing to
17 appeal the suspension/removal. All hearings shall be conducted before
18 an administrative hearing officer in accordance with the provisions
19 of chapter 3 of this code. If a hearing is requested, the city's
20 administrative hearing officer shall act as hearing officer. The
21 hearing shall be informal and provide both sides with the opportunity
22 to present all evidence relevant to the suspension/removal. The
23 hearing officer shall issue a written decision based upon a
24 preponderance of the presented evidence within seven (7) days of the
25 hearing. The opinion will be sent to the tow operator's business
26 address with a copy retained in the tow operator's application file.
27 The city or the tow operator may contest the decision of the hearing
28 officer in any manner provided by law.

29 ~~(c) A tow operator must request a hearing by: 1) calling the city law~~
30 ~~department within ten (10) days of receiving a notice of~~
31 ~~suspension/removal; and 2) scheduling a hearing. Leaving a message~~
32 ~~with the city law department will not satisfy this requirement. The~~
33 ~~law department must provide a time for the hearing that is within~~
34 ~~ninety-six (96) hours of the request, provided there is one (1)~~
35 ~~complete business day within the ninety-six hour time period. If~~

36 ~~there is no complete business day in the ninety-six hour period, the~~
37 ~~hearing shall be held on the first business day after the ninety-~~
38 ~~six-hour time period. If the tow operator is unavailable at the time~~
39 ~~provided by the city, the city shall not be bound by the ninety-six-~~
40 ~~hour period and the suspension/removal will not be stayed. If the~~
41 ~~city is unable to provide a hearing time within the applicable time~~
42 ~~period, all action on the suspension/removal shall be stayed until~~
43 ~~the hearing.~~

44 (Ord. No. 009-75, § 1, 8-25-09)

1 Sec. 1-10. - General penalty for violation of Code.

2 (a) Whenever in this Code or in any ordinance of the city any act is
3 prohibited or is made or declared to be unlawful, a misdemeanor or
4 Misdemeanor I, or whenever in such Code or ordinance the doing of any
5 act is required or the failure to do any act is declared to be
6 unlawful, a misdemeanor or Misdemeanor I, where no specific penalty
7 is provided therefor, the violation of any such provision of this
8 Code or any such ordinance shall be punished by a fine of not less
9 than fifty dollars (\$50.00) and not more than five hundred dollars
10 (\$500.00). Each day any violation of any provisions of this Code or
11 of any ordinance shall continue shall constitute a separate offense.

12 (b) Whenever in this Code or in any ordinance of the city any act is
13 made or declared to be a Misdemeanor II, or whenever in such Code or
14 ordinance the failure to do any required act is declared to be a
15 Misdemeanor II, the violation of any such provision of this Code or
16 any such ordinance shall be punished by a fine of not less than two
17 hundred dollars (\$200.00) and not more than five hundred dollars
18 (\$500.00). Any person violating any Misdemeanor II offense set forth
19 in Article V of Chapter 29 of this Code shall, in addition to paying
20 the above fine, complete a minimum of twenty (20) hours of public or
21 community service.

22 (c) Whenever in this Code or in any ordinance of the city any act is
23 made or declared to be a Misdemeanor III, or whenever in such Code
24 or ordinance the failure to do any required act is declared to be a
25 Misdemeanor III, the violation of any such provision of this Code or
26 any such ordinance shall be punished by a fine of not less than five
27 hundred dollars (\$500.00) and not more than one thousand dollars
28 (\$1,000.00). Any person under the age of seventeen (17) who violates
29 any Misdemeanor III offense shall, in addition to paying the above
30 fine, complete not less than fifty (50) hours and not more than one
31 hundred (100) hours of public or community service. Any person
32 seventeen (17) years of age or older who violates any Misdemeanor III
33 offense shall, in addition to paying the above fine, serve not less
34 than one (1) day and not more than thirty (30) days incarceration in
35 a penal institution.

(d) Whenever in this Code or in any ordinance of the city any act is made or declared to be a Misdemeanor IV, or whenever in such Code or ordinance the failure to do any required act is declared to be a Misdemeanor IV, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not less than seven hundred fifty dollars (\$750.00) and not more than one thousand dollars (\$1,000.00). Any person under the age of seventeen (17) who violates any Misdemeanor IV offense shall, in addition to paying the above fine, complete not less than one hundred (100) hours and not more than two hundred (200) hours of public or community service. Any person seventeen (17) years of age or older who violates any Misdemeanor IV offense shall, in addition to paying the above fine, serve not less than one (1) month and not more than six (6) months' incarceration in a penal institution.

(e) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(f) No provision of this Code designating the duties of any city officer or city employee shall be so construed so as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the city council to impose such a fine or penalty on such officer or employee is

specifically and clearly expressed in the section creating the duty. In this subsection "city employee" includes any member of a board, commission or committee of the city, city servant or employee, whether or not compensated, but does not include an independent contractor.

(g) Unless otherwise prohibited by law, the corporation counsel may elect to prosecute any violation of this code before an administrative hearing officer as provided in chapter 3. Whenever this code provides that an act is made or declared to be a misdemeanor I, II, III, or IV quasi-criminal offense, the corporation counsel may elect to prosecute the commission of said act as an administrative violation

1 in the manner set forth in chapter 3. In imposing a fine following a
2 determination of liability for an act that would otherwise constitute
3 a misdemeanor, the administrative hearing officer shall base the fine
4 on the parameters set forth in sec. 1-10 (a) - (d). No period of
5 incarceration shall be imposed for any administrative violation.
6 (Code 1969, §§ 1-8, 1-11, 1-12; Ord. No. 090-45, § 1, 5-1-90; Ord. No.
7 093-129, § 1, 12-21-93; Ord. No. 094-45, § 1, 5-17-94)