




MEMORANDUM

TO: Trustee Bill Johnston, Chairperson
Economic & Community Development Committee Members

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: February 11, 2019

SUBJECT: **Community Development/ECDC Committee Review – Code Enforcement Activities and Policy Manual**

Effective code enforcement activities can have a positive impact upon economic development activity with a community and its efforts to attract and retain businesses and residents. Since 2013, the Economic and Community Development Committee (ECDC) was identified as the standing committee for the Community Development Department to provide advice on the budget and operational activities. Longer tenured ECDC members will recall staff's presentation to the Committee as it pertains to various general departmental operations and activities. One such presentation was offered regarding the Village's Code Enforcement activities.

At the February ECDC meeting, staff intends to provide the members with a PowerPoint presentation regarding the activities of this division. Most importantly as the department is finalizing the latest version of the Village Code Enforcement Procedure Manual, staff will also provide an overview of this internal policy document, which was last updated in 2009. This latest effort was identified by the department as part of its 2018 work program. Most importantly, the document and companion presentation are intended to reflect the Village's role and echo the larger philosophy of code compliance and working with property owners in lieu of punitive fines and actions to the greatest extent possible.

ACTION REQUESTED

This item is being shared with the ECDC for review purposes at the February 11, 2019 meeting. Staff will be seeking concurrence by the ECDC members on the updated Code Enforcement Vision and Procedure Manual as part of the Village's Standard Operating Procedures (SOP).

Village of Lombard
Community Development Department
Code Enforcement Division
Standard Policy and Operating Procedures

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1. INTRODUCTION

- a. The purpose of the Standard Policy and Operating Procedure Manual is to have continuity and consistency within the Code Enforcement Division of the Lombard Community Development Department. This Manual is subject to change and will be updated as necessary.
- b. The Village's Code Enforcement Division is responsible for the enforcement of the Village's Ordinances, International Property Maintenance Code (IPMC) and any adopted Building Codes. These ordinances and codes are designed to protect the Health, Safety and Welfare of all who live, work, or visit the Village. They also ensure a positive effect on property value, community appearance, and neighborhood pride.
- c. Responsibility for maintenance of properties and the overall aesthetic appearance of neighborhoods ultimately lie with the property owners and tenants in the Village. This means every citizen is responsible for their Village. Properties that are not maintained fall into disrepair, deteriorate, devalue neighborhoods, can encourage crime, and lead to blight. As the Village grows and ages, it becomes more crucial and challenging to ensure that all property owners are aware of the ordinances and requirements for maintenance of their properties. Code compliance provides a vital, effective means of educating and enforcing the Village's standards.
- d. Code Enforcement's primary goal is voluntary compliance. This is achieved through a communication initiative that stresses cooperation through education. When necessary, Code Enforcement Officers must use other steps to ensure compliance. Enforcement procedures are outlined in this Manual.
- e. With respect to its utilization by Village employees, this Manual is intended to supplement to the Village of Lombard Human Resource Manual, any applicable union bargaining agreements, and Administrative Rules & Procedures Governing Village of Lombard Employees. However, in the case of any conflicts between any of the aforementioned documents and policies and this Manual, the aforementioned documents and policies will take precedence. It is the responsibility of every employee to ensure that their copy of this manual is maintained properly.

2. CODE ENFORCEMENT MISSION STATEMENT

To provide our citizens with the highest quality of service and to uphold and enforce Codes and Standards establish to protect the Public Health, Safety, and Welfare of all residents, business owners, and visitors based upon priorities which are consistent with established standards. Courtesy and professionalism will serve as the guiding principle of the Code Enforcement office, thereby ensuring that our determination to deter blight within the Village is tempered with sensitivity and compassion

The purpose and intent of this manual is to state the philosophy and approach to be undertaken by staff, and identify the processes and procedure for processing code violations through the Circuit Court and through the Administrative Adjudication processes.

3. CODE ENFORCEMENT OBJECTIVE & GOALS

- a. **The Village's primary goal is code compliance. This approach includes working with property owners, occupants, tenants and other appropriate and relevant parties to achieve compliance in a timely fashion. Prosecuting cases through the judicial system and collecting fines is considered to be a "last resort" option.**
- b. Code Enforcement Goals:
 - i. To educate the public about the Village's codes and ordinances;
 - ii. Strive to perform our duties in a fair, professional, and courteous manner;
 - iii. Protect the Health, Safety, and Welfare of all property owners, residents, tenants, businesses, and visitors;
 - iv. Develop and establish standards and ordinances that ensure positive effects on property value, community appearance, and neighborhood pride;
 - v. Partner with other departments and agencies to reach our common goals;
 - vi. Partner with community organizations and associations, and assist them in reaching common goals; and
 - vii. Establish and maintain a proactive environment to help solve community problems and stay at the forefront of creative and effective Code Enforcement.

4. KEY PRINCIPLES TO CODE ENFORCEMENT

- a. The key principles to our Code Enforcement are: **C.R.E.A.T.E.**

C - Customer Service: Providing professional and courteous service.

R - Respect: Value the opinions of our customers and coworkers.

E - Excellence: Continuously strive to improve our services.

A- Accountability: Maintain a high level of integrity.

T- Teamwork: Recognize that we are stronger together than apart and will share knowledge, resources, responsibilities, and recognition.

E - Empowerment: The Division takes ownership in accomplishing the Village's goals and objectives.

5. CODES ENFORCED

The Code Enforcement Division has the responsibility for enforcement of selected sections of the Lombard Code of Ordinances. These sections include selected sections of the following Village Codes:

<u>Title 5</u>	Chapter 50	PUBLIC WORKS (portions)
	Chapter 51	WATER (portions)
<u>Title 9</u>	Chapter 90	ANIMALS
	Chapter 92	HEALTH AND SANITATION

	Chapter 94	NUISANCES
	Chapter 97	STREETS AND SIDEWALKS (portions)
	Chapter 98	TAXATION
<u>Title 11</u>	Chapter 110	AMUSEMENTS AND ENTERTAINMENT (portions)
	Chapter 119	RESTAURANTS AND FOOD (portions)
	Chapter 131	OFFENSES AGAINST PERSONS AND PROPERTY
<u>Title 15</u>	Chapter 150	BUILDING CODE (portions)
	Chapter 151	FLOOD CONTROL
	Chapter 152	PLANNING
	Chapter 153	SIGNS
	Chapter 154	SUBDIVISIONS AND DEVELOPMENT
	Chapter 155	ZONING CODE

In addition, the Division provides enforcement assistance to other Departments as requested.

6. ORGANIZATIONAL STRUCTURE

- a. Code Enforcement shall be operated with a strong team concept. Every employee is vital and an important aspect of the effectiveness of the overall professional operations of the Division. Every employee is encouraged to approach their immediate supervisor for concerns that involve Village department head or elected official engagement. Every employee must recognize the chain of command and is required to follow the procedures for handling complaints and other issues.
- b. The Code Enforcement Division consists of the following staff positions:
 - i. One (1) full-time Code Enforcement Coordinator;
 - ii. Two (2) part-time Code Enforcement Officers (18 hours per week)

As a supplement to this staffing, the Division also relies upon support staff. The general roles and responsibilities within each of these positions are denoted in the Job Description form in the Human Resources office.

7. POSITION RESPONSIBILITIES

- a. The Building Commissioner is responsible for the operation and oversight of both the Building Division and the Code Enforcement Division. The Building Commissioner reports to the Community Development Director.
- b. The Code Enforcement Coordinator reports directly to the Building Commissioner. The role of the Code Enforcement Coordinator is to coordinate all aspects of the division to ensure that the activities being undertaken by the division are consistent with laws, ordinances, and Village policies. The Coordinator is also responsible for ensuring that the established protocols and policies of the department are met. The position also fills the activities of a Code Enforcement Officer, as needed.
- c. Code Enforcement Officers are coordinated by the Code Enforcement Coordinator. Their principal role shall be to:

- i. Inspect properties for compliance with the applicable sections of the Village Code;
- ii. Serve as the primary liaison with the applicable complainants, property owners, and tenants in ensuring compliance with code;
- iii. Process all aspects of the code enforcement process from initial receipt of the complaint to final compliance through site inspections to court action;
- iv. Work with the Planning Services staff for cases in which zoning relief is needed, or to determine code interpretation and applicability;
- v. Work with the Building Division staff for cases that require building permits, inspections and code interpretation;
- vi. Work with the Planning Services Division staff for cases that pertain to the Zoning, Sign and Subdivision & Development Ordinances;
- vii. Work with the Private Development Engineer on drainage complaints; and
- viii. Coordinate efforts for cases involving zoning, municipal, fire, property maintenance, and building code violations.

8. DRESS AND APPEARANCE

- a. Code Enforcement Officers will maintain a professional appearance at all times, such as uniform shirts or jackets with village logo. Village issued Employee Identification Cards will also be carried by the officers when they are outside of the Village Hall conducting business related activities. This requirement will aid property owners and tenant in understanding the nature of the employee and his/her position.
- b. No unofficial, offensive, or non-approved items will be worn by an employee while working an assigned shift, as further set forth within the Human Resources Manual

9. VEHICLES & EQUIPMENT

- a. Code Enforcement personnel are provided access to a Village vehicle.
- b. Each Officer is required to drive the vehicle professionally, in observance of all laws.
- c. Each Code Enforcement Officer is required to maintain their assigned vehicle in a professional manner with regular washes and routine maintenance and service. All equipment shall be maintained by the Code Enforcement Officer.
- d. The Code Enforcement Officer shall immediately notify the Code Enforcement Coordinator of any malfunction, or damage to the vehicle or equipment.

10. EMPLOYEE SAFETY

- a. In the event of a confrontation, employee safety comes first. If an employee finds themselves in a hostile situation, that employee must remove him/herself as quickly and safely as possible and call for help.
- b. Contact your Supervisor immediately if you are involved in any such confrontation.
- c. If an employee receives an irate phone call, try to direct them to the Supervisor. Do not engage in name calling, shouting, or profanity; this will only escalate the situation.
- d. All employees must act and perform their duties as a professional.
- e. Employees must know that calling for assistance or backup is not a sign of weakness, but an effective safety tool. Do not think you can handle every situation by yourself. Call for help or for a witness whenever you think you need it.

11. RESPONSE APPROACH TO CODE ENFORCEMENT

- a. Based upon existing staffing and resources available to address code violations, the primary focus is to operate and address complaint-based requests for service. The Code Enforcement Division will accept reports of suspected violations of the Lombard Code of Ordinances from any source, including:
 - i. Visual observations by inspectors;
 - ii. Phone calls;
 - iii. Emails;
 - iv. Letters;
 - v. Referrals from Village staff;
 - vi. Complaints received through the Village online portal;
 - vii. Elected officials; and
 - viii. Other Government Agencies.
- b. In receipt of such a request, staff shall follow the procedures noted within the Case Processing section of the manual.

12. PROACTIVE APPROACH TO CODE ENFORCEMENT

- a. Proactive enforcement offers the ability to monitor properties for potential violations, as property owners may not be aware of applicable codes. This approach can also identify violations that may not be readily apparent to the casual observer. In the performance of their duties, the Code Enforcement staff should also undertake a more comprehensive review of a given property to determine if other code violations are present. Moreover, this approach can also be applied to other neighboring properties to help ensure consistent enforcement within neighborhoods. Additionally, Code Enforcement staff can more effectively monitor sites to determine if small issues persist or multiply; however, emphasis should be placed on service calls and those violations that more directly affect life/safety issues.

- b. While Code Enforcement is primarily complaint driven, the following proactive approaches are established to ensure that Code Enforcement is present throughout the Village, while providing a balance of equal enforcement.
- c. Thoroughfare Review:
 - i. As an enhancement to the Village's First Impressions activities, and as part of regular code enforcement efforts, each Code Enforcement Officer shall complete a review of the commercial corridors.
 - ii. The thoroughfare review consists of North Avenue, St. Charles Road, Roosevelt Road, Butterfield Road, Westmore-Meyers Road, Highland Avenue, Main Street, and Finley Road. Other collector streets can be added to the review as time and caseload permits.
 - iii. The focus of this review is to ensure that the primary observed complaints along the corridor are addressed, including:
 - a. Exterior Building Matters in violation of the IPMC;
 - b. Outdoor sales and storage activities not permitted by right;
 - c. Signage, particularly temporary signage;
 - d. Property maintenance, including grass/weed height; and
 - e. General Code Compliance (tied into the Problem Properties activities)
 - iv. If the officer observes other violations, they can leave a violation notice at the site or create a violation notice to be mailed or emailed.
 - v. Main thoroughfares shall be inspected at least bi-weekly by the Code Enforcement Officers for signs illegally placed in the public rights-of-way. Other violations observed are brought to the attention of the Code Enforcement Coordinator for processing. This activity can occur as a separate review effort or as part of the regular field inspection processes, and as determined and directed by the Code Enforcement Coordinator or Building Commissioner.
 - vi. During winter months, when illegal signs in public rights-of-way are less prevalent, the Code Enforcement Officers shall also drive through industrial areas and the rear areas of shopping strips, bringing major violations to the attention of the Code Enforcement Coordinator.

13. SUPPLEMENTAL ACTIVITIES

- a. Problem Properties:
 - i. Recognizing that there are properties within the Village that, due to their unique location, situation, or past case histories, pose a need of ongoing code enforcement monitoring efforts and activities, the Code Enforcement Coordinator shall maintain a record of the properties and shall set forth

provisions to help ensure that the properties remain in compliance. These properties having frequent complaints and/or frequent violations are monitored to ensure continued compliance. Frequent inspections are logged into the Village software. When there are frequent violations, the log will document a partnership with the complainant(s) in maintaining compliance. In the event of frequent complaints involving minor or nonexistent violations, the problem property log can be used to document Code Enforcement actions with the persistent complainant and to discourage the perception of harassment.

- ii. The Director, Building Commissioner or Code Enforcement Officer may submit properties to the Code Enforcement Coordinator for inclusion in the problem property list. The comprehensive list will be made available to all Code Enforcement Officers to establish full staff assistance in providing ongoing inspections at frequent intervals. Each inspection will be documented in the Village Software; however, if the Code Enforcement Coordinator finds that service requests are not violations of Village Code, the Coordinator may determine not to list the sites as a problem property.
- iii. Results of the inspections of problem properties will be given to the Director upon request.

b. Snow Clearing Requirements:

- i. During the winter months, the Code Enforcement staff is also responsible for ensuring that the snow clearing requirements for public sidewalks abutting commercial properties are being met, as set forth as of Chapter 97 of the Village Code. As part of this effort, the Code Enforcement Division shall undertake the following activities:
 - a. In late fall, a press release shall be sent out reminding commercial property owners and selected downtown areas of the shoveling requirements;
 - b. When 24 hours have elapsed after a snowfall, commercial areas of high pedestrian traffic are inspected to verify that the sidewalks have been cleared. Follow-up efforts shall be undertaken to ensure that the property owners and tenants are aware of the requirements. This is typically done through on-site field visits;
 - c. In cases where property owners/tenants fail to clear the walkways within prescribed periods within code, the Code Enforcement staff may speak with a manager of the business, issue violation notice to the tenant and owner of the property and/or tickets may be issued.
 - d. Other violations observed during this presence are handled through regular Code Enforcement procedures.

c. Targeted Sweeps:

- i. In order to meet targeted goals or directives set forth by the Director, or the Village Manager, the Division shall also undertake special reviews of

neighborhoods or corridors. In this effort, the teams would work under the direction of the Code Enforcement Coordinator.

- ii. The activities are intended to meet a particular zoning issue or address significant non-compliance activities within a given area or corridor. Typically, these sweeps are intended to be proactive in nature and to provide an area with an understanding of applicable sections of Village Code. As part of this approach, the officers should combine traditional written notification along with follow-up phone calls and meetings with individuals to address outstanding issues. In cases where the level of non-compliance requires a significant amount of time or resources on behalf of the property owner, staff should work with the property owners to determine appropriate schedules for compliance.

d. Political Campaign Signs:

During the political campaign process, the Code Enforcement staff shall reference the provisions within the Sign Ordinance as it pertains to the regulation and enforcement of political campaign signs. This effort shall consist of the following elements and approaches:

- i. The Code Enforcement Coordinator shall seek out the names or contacts of the candidates or coordinators of any such pending campaign in which would appear on any Lombard ballot.
- ii. Candidates shall be sent a copy of the Village's Campaign Sign Regulations for their general reference.
- iii. Candidates should be encouraged to share the information with their supporters.
- iv. Code Enforcement Officers shall collect any political campaign signs that are located within the public right-of-way and/or contact the campaign offices to facilitate their removal.
- v. Signs collected by the Village shall be stored within a Code Enforcement van for a period of at least seven days. Candidates will be given the opportunity to collect their confiscated signs.
- vi. Signs collected after Election Day shall be discarded afterwards using the Village's dumpsters or through any recycling efforts.
- vii. Code Enforcement Officers shall not remove political campaign signs from private properties. If a nonconforming sign is placed on the private property the property owner and/or the respective campaign should be contacted in a similar manner to all other code enforcement cases to facilitate compliance.

CASE PROCESSING

14. GENERAL OVERVIEW OF PROCEDURES

- a. In processing a violation of the applicable provisions of the Lombard Code of Ordinances, the following overall procedures will be observed:
 - i. Upon Village staff receipt of a service request or complaint, or upon an observation of a potential violation pertaining to the relevant sections of the Village Code regulated by the Code Enforcement Division, staff shall forward the request to the Code Enforcement Coordinator.
 - ii. Code Enforcement staff shall create a case in the Village software to document the complaint, record the violation information, complete a visual inspection, and make contact with the resident/business, leave a violation notice or send a correspondence in the U.S. Mail or by email. Complainants will also be given the opportunity to receive updates in the review process, if they so desire.
 - iii. Code Enforcement staff will schedule an inspection. If permission to enter the complainant's property has been granted, or if the violation can be clearly seen from a public area, an inspection will determine the validity and nature of the violation. If the necessary permission to see a violation is refused and can't be seen, either from a neighbor's property or by the tenant or owner of the given property itself, the case will be closed documenting in the software that Code Enforcement Officer could not see from the street or secure the rights to go on an abutting property. However, if the violation may present an imminent threat to life and/or safety, Code Enforcement staff will work with other departments and agencies to address the issue. If the code compliance matter is one that could imminently affect the life or safety of occupants, the Code Enforcement Officer shall bring the matter to the attention of the Code Enforcement Coordinator, Building Commissioner and if necessary the Community Development Director for further consideration and action. They will jointly determine if the administrative search warrant process should be pursued.
 - iv. After the violation has been identified, staff determines the identity of the owner(s) and/or occupants of the property in question.
 - v. If the initial engagement with the applicable property owner or occupant has been immediately taken to remedy the violation, a Notice of Violation within five to ten days (depending on the violation) is served to the owner(s) and/or occupant(s) of the property which identifies the location and nature of the violation, cites the specific section of the Code of Ordinances being violated, includes required corrective action, and invites contact. The Code Enforcement Officer also has the ability to issue a Notice of Violation Citation as an alternate means of achieving compliance.
 - vi. Code Enforcement staff will perform a follow-up inspection to determine if compliance has been achieved.
 - vii. If the inspection finds the violation has been corrected, the case will be closed.

- viii. If the inspection shows the violation has not been corrected, a final violation notice will be issued with five to ten days (depending on the violation) to be corrected.
- ix. Code Enforcement staff will perform a follow-up inspection to determine if compliance has been achieved
- x. If the inspection shows the violation has not been corrected, a ticket will be issued (Lombard Police Department will need to issue this ticket) requiring a court appearance before the 18th Circuit Court for DuPage County in Wheaton, Illinois, or a letter will be issued for the Village's Administrative Adjudication process.
- xi. If the inspection finds the violation has been corrected, the case will be closed.
- xii. In the case of weed or refuse violations, one violation notice will be sent out per season to the owner and/or tenant of the property. If the violation is not corrected or the grass is not in compliance the person authorized and under contract with the Village will be ordered to correct the violation and a lien will be placed on the property with the DuPage County Recorder's Office for the cost of the work that was done. An Administration Fee for the Village will also be charged. Prior to this action, the Code Enforcement Coordinator will make one last attempt to contact the owner.
- xiii. A pre-court inspection is completed the day before the case is heard by the court or at the adjudication hearing, whichever is applicable. Evidence documented by the inspection is provided to the judge or adjudicator. The prosecuting attorney may also require documentation regarding prior violations and dates of phone contacts, photos, and all correspondence. Proper documentation assists the judge in making a decision as to the severity of the violation and assures the judge or adjudicator that the Village has made considerable efforts to achieve compliance without court intervention.
- xiv. For convictions through DuPage County, in the event of a trial, the Code Enforcement Officer is required to attend and testify if needed. Should a conviction in Circuit Court be found, the judge may impose fines from \$50.00 to \$750.00 for each day the violation exists, impose a period of supervision requiring an additional appearance before the court, issue a rule to show cause for failure to comply, or schedule a hearing for a charge of contempt of court.
- xv. For convictions through the Administrative Adjudication process, upon a guilty finding, the adjudicator has the ability to impose fines from \$50.00 to \$750.00 for each occurrence; however, compliance through an adjudicator can only be enforced through the Court.
- xvi. Based on the decision of the court or adjudicator, Code Enforcement Division staff will perform follow-up inspections until compliance is achieved or additional court action is completed.
- xvii. Once compliance is achieved, the file is closed; however, if the property warrants additional monitoring as a problem property, staff shall follow those procedures set forth within the Manual for such sites.

15. RECEIVING A SERVICE REQUEST OR COMPLAINT

- a. When a violation is reported, the information is recorded by creating a new case in the Village software. The information recorded will include:
 - i. Address of the property where the violation is located;
 - a. If the complainant is unsure of the address, The Code Enforcement Coordinator is able to assist them to identify the property by using Village software (the Village's internal GIS program) or going out to the site.
 - ii. The specific location of the violation on the property;
 - iii. The nature and a detailed description of the violation;
 - iv. The timing of the violation (continuous, intermittent, periodic);
 - v. The names of those involved, if known; and
 - vi. Permission to enter the complainant's property if the violation cannot be clearly seen from a public area.
- b. The name, phone number, and address of the complainant will be requested but is not required. The complainant is invited to stay involved in the case by calling back; however, this is not required and the Code Enforcement staff will follow-up.
 - i. The name and/or address of a complainant are confidential and may not be released. Any request for information concerning the source of the report or complaint must be submitted through the process stipulated by the Freedom of Information Act. Under the provisions of the Act, the name of a witness or plaintiff is considered confidential and may not be released except under court order.
- c. Permission is required to enter the complainant's property prior to doing the inspection so the violation can be viewed. This is if it can't be seen from a public area.

16. IDENTIFYING THE OWNER/OCCUPANT

- a. The proper identification of the owner and/or occupant of a property is critical to successful enforcement action. Prior to issuing any notice of violation, or a ticket, the following procedures for identification of relevant parties will be observed.
- b. Property Owner:
 - i. The owner is determined by comparing the utility billing records in Village software with the DuPage County Tax records. If there is a discrepancy, the DuPage County Recorder's Office will supply the last owner of record for the parcel in question when provided with the Property Index Number (PIN).

- ii. In some cases, the information provided by the DuPage County Recorder's Office may be inaccurate, out of date, or the Recorder's Office can only provide the name of the person receiving the tax bill. In such a case, it may be necessary to contact a land title company to perform a "Tract Search" to identify the owner(s) of the property listed on the deed to the land.

c. Property in Trust:

In many cases, property is held in a Trust and the owners are not identified on the deed or title. In the case of a Trust, a demand for disclosure of Trust Beneficiaries will be sent to the trustee or Management Company for the property. Under Illinois State Statutes, when the violation involves health or safety issues, the trustee or management agent has ten (10) days from the date of receipt to disclose the names of those benefitting from the Trust. The Disclosure Letter is a standard form letter and can be obtained from the Code Enforcement software.

d. Property Owned by a Corporation:

- i. Corporations often own properties. This is often true of commercial property. Under Illinois law, a corporation is a legal entity with many of the same rights as a person, such as the legal right to own or sell property. When a violation occurs on property where the owner identified by the deed or title is a corporation, it is the corporation that is legally responsible.
- ii. In order to properly cite the corporation, the officers of the corporation and their location must be identified. This can be accomplished by contacting the Illinois Secretary of State, Office of Business Services. Businesses incorporated in the State of Illinois must register the name and address of the president and other officers of the corporation with the State. The Office of Business Services will provide this information over the phone and it is available at the Secretary of State website. The registered agent of a corporation is required by law to accept service of legal documents on behalf of the corporation. Note that the officers and registered agent only accept service of the legal documents. It is the corporation that is named on the ticket or violation notice.
- iii. It is particularly important to get a summons served in cases involving a corporation. Code Enforcement should follow-up with the Police Department to ensure the summons is sent to the responsible party, especially when the address is different from the location of the violation. The ability to prove service of a summons is critical in obtaining a default judgment on cases where the defendant fails to appear.

e. Property Owned by a Partnership:

- i. In addition to a corporation, a partnership is another form of legal entity which, under Illinois law, may own and sell property. As with a corporation, a partnership is responsible for any violation occurring on property the partnership owns. Two different types of partnerships are:
 - a. General Partners, which share control and responsibility for the actions of the Partnership; and

- b. Limited Partnerships, in which a number of limited partners, in addition to one or more general partners, invest in and share the profits of the Partnership, but have no voice in the control or direction of the partnership.
 - ii. In order to properly cite a partnership, the general partners and their location(s) must be identified. This can be accomplished by contacting the Illinois Secretary of State, Limited Partnership Division. Partnerships in the State of Illinois must register the name and address of the general partners with the State. The Limited Partnership Division will not provide this information over the phone. A computer abstract containing the names of the general partners must be obtained for a ten (\$10) dollar fee by appearing in person at the Chicago office, or through mail from the Springfield office. As some Partnership information is available on the Secretary of State website, this should be checked prior to contacting the State for the abstract.
- f. Occupant Identification:
 - i. Information sources to identify the occupant of a building or business include:
 - a. Fire Department Emergency Contact Information files;
 - b. Water Billing records;
 - c. Department of Community Development files;
 - d. Certificate of Occupancy records; or
 - e. Permits, Business License's and other Village records;
- g. Multi-Tenant Buildings:
 - i. When a violation is identified on a parcel containing a multi-tenant building, the Code Enforcement Officer will attempt to identify which tenant/occupant is responsible for the violation and issue a Violation Notice to both the owner and the identified tenant/occupant. The evidence serving as the basis for the identification of the tenant/occupant will be documented and recorded in the Village software. Where no responsible tenant/occupant can be identified, or the violation occurs on a common area, the Violation Notice will be served only to the owner of the property.

17. INSPECTION

- a. All complaints that get reported to Code Enforcement Division will be inspected within two business days. If the matter needs immediate attention, the Code Enforcement Coordinator will investigate the case or forward the case to the appropriate Code Enforcement Officer as soon as possible.
- b. Inspection of private property will take place from the public right-of-way or from adjacent private property with the consent of the property owner to protect constitutional rights granted by the Fourth Amendment prohibiting unreasonable

search. The inspector can go to the front door of a residence to attempt contact or service, and can go onto a subject property for an inspection if the property owner grants authorization. In addition, the property owner must be over the age of 18 to be eligible to grant permission of entrance to the property.

- c. Officers cannot use any methods to alter your view of the alleged violation and property. For example, you cannot use a ladder on an adjacent property to look over a fence blocking your view of the alleged violation.

18. NO APPARENT VIOLATION

Where an inspection determines that the report of a violation is not valid, the results and supporting documentation are recorded in Village software and the case is closed. The complainant shall be informed of such a finding by the Village.

19. DOCUMENTATION OF VIOLATIONS

Where a violation has been identified, evidence will be documented by photographing the violation when possible. The results of the inspection are recorded and placed in Village software.

20. PROCESSING PHOTOGRAPHIC EVIDENCE

Photographs of violations will be taken using the Division's evidence camera, tablet, or cellphone, imprinting the date of the inspection on the face of each photograph. Digital photos are stored in Village software with the location, date, time, and photo storage identifiers noted on each picture.

21. NOTICE OF VIOLATION (TYPES OF NOTICES)

- a. A formal violation notice is issued to the owner and/or occupant of a property found to be in violation of one or more sections of the Code. This is not a ticket and does not require a court appearance. The Code Enforcement Officer will generate the Notice through Village software or use a door hang violation notice, detailing:
 - i. Date the notice was issued;
 - ii. Name and address of the party receiving the notice;
 - iii. Case number;
 - iv. Section of the Code of Ordinances being violated;
 - v. The location of the violation on the property;
 - vi. The PIN of the property in violation;
 - vii. A description of the Violation;

- viii. The requirements for correcting the violation; and
 - ix. The name and contact information of the person issuing the Violation.
- b. The notice is served by U.S. Mail or left on site. A copy of the notice is retained in Village software.
- c. Serving Corporations:
Violations issued to corporations must name the corporation but be served to an officer or registered agent of the corporation. Serving a notice to the registered agent is always the preferred method of issuing a Notice of Violation to a corporation. The officers and registered agent of a corporation can be identified by contacting the Illinois Secretary of State, Office of Business Services or at the Secretary of State website. Businesses incorporated in the State of Illinois must register with the State the name and address of the president and other officers of the corporation, as well as the registered agent of the corporation. The registered agent of a corporation is required by law to accept service of legal documents on behalf of the corporation. Serving a notice to the registered agent is always the preferred method of issuing a Notice of Violation to a corporation.
- d. On-site Posting of Notices:
In selected occasions in which contacts with property owner have been otherwise unsuccessful, the Code Enforcement Officer does have the ability to serve property notice by posting the notice on the front door or main entrance of the building. In such cases, a photograph showing that the posting was made should be taken and preserved as part of the case file.
- e. Notice of Violation Initial Citations:

If the Code Enforcement Officer believes in his/her judgement that code compliance can be achieved without court engagement, he/she may issue a Notice of Violation Citation. This form is intended to identify an initial fine (\$50.00) and gives the violator 72 hours to remedy the violation. The Code Enforcement Coordinator shall be informed of any such citation issuances. If the violation is not satisfactorily addressed, the Code Enforcement Officer shall proceed to writing a ticket requiring an appearance in Circuit Court (or Adjudication if applicable and appropriate). The Code Enforcement Officer, with consultation with the Code Enforcement Coordinator or Building Official can determine that compliance is achieved and close the matter, and if deemed appropriate not assess the initial fine.

22. FOLLOW-UP INSPECTION

- a. A follow-up inspection is performed five to ten days (depending on the violation) after the date of the Notice of Violation to determine if a violation has been corrected. Each item identified in the initial inspection is checked to confirm compliance with local ordinances. In addition, the entire property is rechecked to ensure that no additional violations have occurred.

b. Confirmation of Compliance:

When the follow-up inspection confirms compliance, the results of the inspection are documented in Village software. The case file is closed and if requested or warrant, a follow up correspondence to the property owner or occupant may be sent. If desired by the original complainant, Code Enforcement staff shall inform him/her accordingly.

c. Time Extensions:

- i. In some cases, conditions may exist which prohibit the complete correction of a violation within the timeframe provided by the Notice of Violation. These conditions may include weather, legal requirements, or the scope of work required.
- ii. When the party responsible for the violation has contacted the Code Enforcement Coordinator prior to the follow-up inspection and provides a detailed plan for correcting the violation, including a timeline, the Code Enforcement Coordinator may grant an extension for a reasonable length of time required to complete the work and gain compliance. All information will be documented in the Village software.
- iii. No extension shall be granted for violations that pose, or may pose, a direct threat to the public health and safety.
- iv. The time extension will remain in effect as long as a good faith effort is made by the responsible party to correct the violation. The determination of a good faith effort shall include actions to keep the Code Enforcement Coordinator informed as to the progress and status of compliance efforts.

23. RESPONSE TO COMPLAINANT

In cases where the complainant provided a name, address, or phone number, Code Enforcement staff will contact the complainant and provide the results of the initial inspection. Where the inspection has confirmed a violation, staff will outline the enforcement process for the complainant and invite contact for case status. Upon closure of the case, the complainant should be informed of the resolution and the actions that will be taken or were taken.

24. NON-COMPLIANCE PROCEDURE

Where the follow-up inspection shows the violation has not been corrected, and the recipient has made no contact with the Village regarding the violation notice; the violations are again documented as in the initial inspection.

The Village, in its sole discretion, determines whether a case can or should be prosecuted through a traditional Circuit Court process or through Administrative Adjudication. However, the Code Enforcement Coordinator shall consider the nature of the violation. For example, State Statute allows only the building owner and not the tenant to be cited for cases involving weeds, litter, inactive vehicles, and nuisances through Administrative Adjudication. For cases involving violations or actions created by a tenant rather than the property owner, an owner can claim tenant responsibility as an acceptable defense. In many cases, if the citation is intended to be for a tenant and not a property owner, the Circuit Court option would likely need to be pursued.

25. CIRCUIT COURT OPTION - TICKETS

A Ticket is a citation requiring a court appearance before the 18th Circuit Court for DuPage County. The court generally hears cases sent to it by the Code Enforcement Division on the third Thursday of each month, in the afternoon session. Upon finding a responsible party guilty of violating a local ordinance, the court can impose fines from \$50.00 up to \$750.00 for each day the violation exists, plus any applicable court costs.

For properties in which other compliance measures have been exhausted, a ticket is issued to the responsible party. In the event that there is not sufficient evidence to support a ticket, the case will be listed as inactive, and the case would be considered closed pending additional information. The case will not be prosecuted without a witness willing to testify in court and able to substantiate the violation if the Code Enforcement staff cannot otherwise demonstrate that a violation exists.

Issuing a Ticket

Ticket forms are obtained from the Lombard Police Department. Each numbered ticket must be filled out with the following information:

The location of the Court ----- Wheaton
Plaintiff----- Village of Lombard
Defendant's Name ----- Identified on the Violation Notice
Defendant's Address ----- Identified on the Violation Notice
Birthday----- Required for warrant if defendant fails to appear
Sex----- Required for warrant if defendant fails to appear
Race----- Not required, complete if known
Height & Weight ----- Not required, complete if known
Date and Time of Violation ----- Date and Time of follow up inspection on which the ticket is issued.
Offense ----- Category of Offense, (i.e. Zoning Violation, Creating a Nuisance, Sign Violation, Illegal Fill and Grading, etc.) Chapter and Section
To Wit ----- Narrative describing conditions causing violation, and citing section of ordinance being violated. Complete the narrative with statement, "and maintained said violation after notification."
List all dates of notification and the location of the violation.
Sworn and Subscribed----- Completed by Notary Public
Date ----- Date Ticket is issued
Signature & Identification ----- Signature of inspector issuing the ticket

Witness Information Form

The "Witness Information" form is also to be completed by the inspector. This form is used to transmit the name and address of the inspector to the Clerk of the Court. The clerk then notifies the inspector of the court date when one is assigned to the case. Information required on the form is:

Complaint or Ticket Number ----- The ticket number from the upper right hand corner of the ticket. Include both the alphabetical prefix and suffix with the number
Name ----- The name of the inspector
Address----- The Address of the Lombard Village Hall:
255 E. Wilson, Lombard, IL 60148

Telephone----- Work phone number

If there are any other persons to be called as witnesses before the court, include their name address and phone number on the Witness Information form.

Non-Traffic Ticket Log Book-----Log all tickets including address, defendant & violation

Serving the Tickets

Once the ticket and the Witness Information form are completed and notarized, copies of the documents are placed in the village software. The original documents are forwarded to the Lombard Police Department, Records Division. The Records Division transmits the case to the Clerk of the Court, and a Lombard Police Officer serves the defendant the ticket.

Bond

Upon being served in person with the ticket, the defendant will be required to post an individual recognizance bond (or \$75.00 cash, or credit card) to ensure their appearance before the court. This is handled by the Police Department.

26. WEEDS/HIGH GRASSES & REFUSE COMPLAINTS

When a follow-up inspection shows a violation involving the growth of weeds/high grass or the accumulation of refuse, has not been corrected after due notice was provided to the property owner, the Code Enforcement Officer will submit an order to the contractor authorized by the Village, to enter onto the property and correct the violation, by authority of Section 92.06 and 92.32 of the Village of Lombard Code of Ordinances. When the contractor completes the work, Village staff will reinspect the property to document the actions taken.

In those cases where the Code Enforcement Officer determines that, the weed/high grass or refuse violation is the result of a pattern of failure to comply with the Lombard Code of Ordinances and properly maintain the property, and finds that no extenuating circumstances exist to explain the failure to comply; the Officer shall issue a ticket for the violation in addition to the lien for the cost of correction.

27. DEMOLITION PROCEDURES

The Illinois Compiled Statutes (65 ILCS 5/11-31) grants the Village the ability to cause the repair or removal of unsafe buildings. The statute requires that the Village apply to the Circuit Court of DuPage County for an order authorizing the Village to remove the building or ordering the owners of record to remove the building. The procedures for such a petition are as follows:

- a. Inspection of the building by Village Building Inspector and Code Enforcement Officers identifies and documents all code deficiencies.
- b. Normal enforcement procedures are followed including written notification to the owners or occupants, and instructions to correct the violations.
- c. At the end of the required notice period, the Village files a complaint in the court alleging the violations and requesting either,
 - i. An order authorizing the Village to remove or repair the building, or
 - ii. An order requiring the owners to remove or repair the building.

- d. If the Village removes the building, the Village will record a lien against the property for the cost of the authorized action.

If the court issues the order to remove the building, written notice must be provided to the owners of record. If after 15 days of receipt of the notice, the owners have failed to correct the violations or remove the building, the Village may execute the court's order. Where diligent search has failed to determine the identity or location of the current owners, notice may be sent to the person or persons last assessed for the property.

While the legal process for removing a structure is relatively simple and straightforward, as a practical matter, the DuPage courts have been reluctant to order such action. The history of demolition actions by the Circuit Court for DuPage County indicates that the court is not inclined to order the demolition of buildings that are either occupied or capable of being repaired. Based on conversations with the Village Attorney, the Village must be able to demonstrate to the court's satisfaction:

- That the building represents a hazard and is unsafe for occupancy.
- That the building is abandoned.
- The value of the building, (based on 3 independent appraisals).
- The cost of repairs, (based on 3 independent estimates).
- That the cost of bringing the building into compliance is more than 50% of the building's value.

28. STOP WORK ORDERS

If construction activity is observed by a Code Enforcement Officer which by Village Code requires a building permit, the Officer should undertake the following actions:

- i. Confirm with Village staff that the activity is in fact being undertaken without proper permits.
- ii. Engage with any on-site contractors or construction staff to inform them of the need for the permit.
- iii. Direct them to contact the appropriate Village staff to undertake this effort.
- iv. Inform them that no work is to continue on the subject property unless and until any requisite permits have been obtained from the Village.
- v. If work continues or if in the determination the property should be duly posted, a formal "STOP WORK ORDER" sign shall be affixed to the main entrance to the building in which the work is occurring.
- vi. If work still continues and all efforts above have not ceased activity, contact the Building Commissioner and the Police Department accordingly.

29. LIENS

The cost of the work required to correct the violation will be placed as a lien on the property where the work was completed. The lien will include the actual cost of the work and an administrative fee for Village actions. The procedures for recording the lien and releasing the lien will be those established by the Village of Lombard Finance Department. The property owner is notified that a lien will be placed on the property and that the lien can be avoided by paying the associated costs. The property owner is invited to contact the code enforcement coordinator for lien payment procedure.

30. ADMINISTRATIVE SEARCH WARRANTS

The protections against unlawful search and seizure provided by the Constitution of the United States guarantee the resident a "reasonable expectation of privacy." While enforcement officials the power to enter a property to perform inspections, this power can only be exercised with the consent of the resident, tenant or property owner.

Where no consent is given for an inspection and evidence, visible from the exterior of the property or provided by persons with legal access to the property, provides probable cause to believe that violations exist upon the premises, the Village may petition the court for an administrative search warrant to force the inspection of the property. The Village is required to apply to the Circuit Court of DuPage County for an order authorizing the Village to inspect the premises for specific purposes. The procedures for such a petition are as follows:

- a. Perform normal inspection procedure to identify owner or occupant, and document nature of complaint.
- b. File a "Complaint for Administrative Search Warrant" with the Circuit Court for DuPage County. The complaint must contain the reasons the Village believes that violations exist, (i.e. why the Village wants to inspect) and the specific items the Village will inspect for.
- c. The warrant must be served by a sworn police officer.
- d. The warrant service and execution record must be filled out and returned to the clerk of the court.
- e. The warrant must be served within 96 hours of being issued by the court.
- f. A record of the service must be returned to the Clerk of the Court following execution of the warrant.

31. PROSECUTION OF COMPLAINTS

In the prosecution of complaints the Village is represented by legal counsel retained for the sole purpose of acting as Village Prosecutor. For most cases the information and evidence documented on the case file is sufficient for the prosecutor to successfully prosecute the case. Specific procedures for presenting a case to the Village Prosecutor are:

Pre-Trial Inspection

On the day preceding the trial, the Code Enforcement Officer, appearing as witness for the Village, will reinspect the location of the violation. The results will be documented and placed in the case file for use at the trial the next day. Inspections will be recorded using standard inspection procedures previously described.

Presentation to Prosecutor

On the court date the code enforcement officer will provide the Village Prosecutor with a written synopsis of each case. If pre-trial inspection has determined that the violation is corrected, the officer will so inform the prosecutor of the compliance and recommend a suitable penalty. The recommended penalty will be based on the history of the case and the degree to which the defendant demonstrated a good faith effort to abate the violation. This will be approved by the Code Enforcement Coordinator before court.

Dismissal of Charges

The Code Enforcement Division provides ample opportunity to correct a violation prior to the issuance of a ticket requiring a court appearance. Given the Division's policy of granting any reasonable request for an extension to take corrective action, and the expense incurred by the Village for filing charges in court, the goal of the Code Enforcement Division is that all cases it brings before the court result in a successful prosecution. The Code Enforcement Officer should determine, when possible, if there are extenuating circumstances that preclude the property owner from bringing the property into compliance with Code prior to bringing the case to Court. The dismissal of charges is therefore discouraged as an enforcement tool and should only be used in rare instances in which the Village finds that there is a material defect to the case.

Arraignment

After calling the court into session, the judge will begin the arraignment process. The defendants will be called before the judge to enter a plea of guilty or not guilty, or request a continuance. At this time the code enforcement officer should step forward to observe the proceedings and respond to questions if required by the judge. Testimony from the Code Enforcement Officer is usually not required at this time. If the defendant enters a plea of guilty, the judge may seek information on the current condition of the violation, as documented in the pre-court inspection, and a recommendation from the Village Prosecutor on the sentence or amount of fines. If the defendant does not enter a guilty plea, they may request a continuance or plead not guilty and request a trial. After the pleas are entered the judge will recess the court for a short break.

Continuance

In the arraignment the court may choose to grant a continuance if requested by either party to the case. This is a common occurrence for violations of local ordinance. The court will often grant a first and second request for continuance by a defendant. The judge in the case will usually grant additional requests only when unique conditions are demonstrated requiring such a delay. The usual continuance is thirty (30) days but can be longer at the discretion of the judge.

When a continuance is granted, the code enforcement officer shall make inspections of the property in question not less than every two (2) weeks, and complete a pre-trial inspection before the new court date. The results of each inspection will be documented and placed in the case file. Where the scope or impact of a violation is increasing during a continuance, the code enforcement officer may opt to write a new ticket.

Pre-Trial Conference

While the court is in recess, following the arraignment phase, the Village Prosecutor will meet with the defendants, if they desire and engage in a pre-trial conference. At this time the evidence gathered by the code enforcement officer will be shown to the defendant and options presented to resolve the case. These options will usually involve the Village agreeing to a reduced fine in exchange for a guilty plea by the defendant and an agreement to correct the violation by a specific date. The prosecutor will rely on the Code Enforcement Officer for details in establishing the date for correction and an appropriate fine taking into account the nature of the violation and the resources used by the Village to bring forward the case.

If the option is accepted by the defendant, the prosecutor will call the case back before the judge when court resumes and enter the agreement and amended plea. If the options are not accepted by the defendant, the case will go to trial before the judge and the code enforcement officer called to give testimony concerning the facts of the case and the evidence in the case file. Other options, such as a trial by jury, are available to the defendant and offered by the judge.

32. COURT ACTIONS

In deciding a case, the court has a number of options available to it. The actions required of the code enforcement officer would depend on which option the court chooses.

Acquittal

The court may choose to acquit the defendant for a number of reasons. These include:

- Insufficient evidence to substantiate the charge;
- Procedural errors by the Village, (i.e. improper notice, incorrect name, failure to show probable cause, etc.)
- Preemption by State or Federal Statute;
- Vague ordinance language such that the defendant could not know he or she was in violation until after the offense was committed;
- Violations by the Village of due process, (i.e. arbitrary and capricious enforcement, failure to follow established procedures, etc.)

When the court acquits a defendant the case is closed and enforcement must begin again at the start of the process. The actions of the court and the reason for the acquittal are reported to the Code Enforcement Officer and corrective action taken.

Conviction

A conviction can result from either a guilty plea from the defendant, or as a result of a trial. As a result of a conviction the judge will assess a penalty for the defendant, these penalties may be in the form of a fine, or may involve some court ordered action by the defendant.

Fines

The simplest form of penalty is a fine in which the court requires the defendant to pay a specific amount as punishment for violating the law. The Village Prosecutor may recommend a fine based on the history and extent of the violation. A simple fine is normally assessed only when the court finds the violation occurred at the time the ticket was written but is corrected when the case comes before the court.

Supervision

Supervision is disposition, which allows for a fine, but is used when the violation has not been corrected by the court date. In addition to the fine, supervision requires that the defendant

return to court at a later date to show that the violation has been corrected and the property kept in compliance with local ordinances. If the defendant successfully completes court supervision, the case is dismissed. If the defendant violates court supervision, the defendant can be resentenced with a higher fine.

Court Orders

Court orders may be issued as a condition of supervision or conditional discharge and in addition to a fine. A court order is a set of actions established by the court that the defendant is required to take. They may require the defendant to permit Village inspectors onto their property, take specific steps to correct a violation, seek professional assistance, or any other actions the court feels are necessary. Failure to abide by a court order is considered contempt of court and is punishable by fines or imprisonment. It may also lead to the revocation of the defendants' sentence.

Court Follow-Up

Based on the action of the court, the code enforcement officer may be required to monitor the actions of the defendant. If the court has placed the defendant on supervision, or conditional discharge, the code enforcement officer may be required to perform regular inspections of the property. The results of these inspections will be documented in the standard inspection format, and placed in the case file for presentation to the court when required.

33. ADMINISTRATIVE ADJUDICATION OPTION

As part of past directives by the Village Board for the Community Development Department, staff developed an alternative process for prosecuting selected violations of Village Code, referred to as Administrative Adjudication (AA).

Administrative Adjudication is a process by which violations of Village Code can be adjudicated at the Village Hall by a specially trained attorney (adjudicator) who presides over cases, as would a judge in a courtroom. The adjudication process was introduced by the Police Department in 2007. The code enforcement component expands the program beyond traditional traffic complaints and adds selected building and property maintenance and primary zoning and sign violation complaints.

The benefits of utilizing AA as the prosecution method include:

- **Timing** - Through the AA process, the time period from which a violation is issued to consideration by the adjudicator is anticipated to be shorter.
- **Staff time** - With AA, there would be less time spent waiting for the cases to be heard in the hearing process.
- **Prosecution Costs** - Deferring cases to AA relieves some Village expenses as there would be no need for a prosecuting attorney.
- **Fines to the Village** – Unlike Circuit Court fines, which also include court costs, payments of fines would be directed to the Village.
- **Enhanced Review Process** - AA can include more time for the resident to present the case before the judge who is more familiar with Lombard codes.

- **Binding Decisions** - The resulting decisions from an adjudicator are final and binding. As with court findings, the findings made through AA are subject to review in the Circuit Court.

Administrative Adjudication Process

While Code Enforcement staff will still focus upon working with property owners to achieve code compliance without prosecutions, some cases end up being prosecuted in court. Implementing the AA process is not meant to supplant current policies to work with affected property owners and tenants to achieve code compliance. Rather, the program is intended to provide for an alternate adjudication process to achieve code compliance that benefits complainants, defendants and the Village.

State Statutes require that a full-time Code Enforcement/Building official can only bring cases forward. While most of our code enforcement officers are part-time employees, those employees would continue to work with the parties to identify the issues and achieve compliance. If this does not result in compliance, the Code Enforcement Coordinator would bring the case forward for prosecution.

The code enforcement staff would still issue a violation letter similar to the Circuit Court option. However, at such time that the code enforcement officer deems that a ticket needs to be issued, he/she shall forward the applicable files and case history to the Code Enforcement Coordinator. The Code Enforcement Coordinator shall review the materials and conduct a site inspection to verify that the violation remains on the property. Should it remain, the Code Enforcement Coordinator shall enter the relevant data into Village software package and shall generate a ticket. The tickets shall be sent by mail to the applicable property owner or posted on the subject property, consistent with circuit court cases. The ticket shall also denote the pertinent information related to the nature of the violation and the date of the hearing.

Adjudicator Responsibilities

The adjudicator is paid by the Village to consider and render decisions regarding cases that are brought by the Village. Code Enforcement cases will be heard at the same meetings as other Village cases, typically the second Wednesday and fourth Saturday of each month. The Code Enforcement Coordinator shall set scheduling the hearing date. However, the selected date should be the closest available date, unless extraordinary issues warrant that a later date be selected. As with cases pending before Circuit Court, Code Enforcement staff shall visit each property within one day prior to the hearing itself.

Unlike Circuit Court procedures, Adjudicators cannot require an appearance at a hearing. However, if the defendant does not appear, the adjudicator can find the individual(s) guilty and assess fines for the offense. Those who fail to appear and those cases not in compliance at the hearing can be fined up to \$750 per day.

At the adjudication hearing, the Code Enforcement Coordinator shall be available to present the case to the adjudicator. The relevant case files and all appropriate documentation shall be made available as part of the proceeding. Upon the case being called by the adjudicator, the Code Enforcement Coordinator shall present the Village's case. If deemed necessary by the Code Enforcement Coordinator, relevant code enforcement officer(s) or other parties shall be made available to offer testimony if needed.

State Statutes governing AA does provide a Compliance Defense for certain types of cases. If the property is in compliance by the time the case comes before the adjudicator, the adjudicator would be unable to render a guilty verdict, assess a fine or costs, despite the Village's costs to

achieve compliance. The adjudicator does not have the authority to continue cases, but can set dates for compliance as part of a verdict.

Rendering a Verdict

Upon completion of all testimony, the adjudicator shall render a final decision. The decision shall be entered into the computer at the hearing. If a guilty verdict is made, the adjudicator shall render a sentence that shall also be logged. The Code Enforcement Coordinator may be asked to provide a suggested fine for the case and as such the fine should be based upon the nature of the complaint and the work completed by the officers regarding the case. However, the final sentence shall be made by the adjudicator and cannot exceed \$750.00 per violation.

While the adjudicator does have the ability to request compliance, if a party does not meet the terms of compliance, the Village would have to seek enforcement of the adjudicator's decision through the Circuit Court. There is no provision for adjudicators to issue warrants for noncompliant individuals; the adjudicator can only impose fines and request compliance.

Follow-Up

The violator shall have the option of paying a fine at the meeting or has the option to pay the fine to the Village within 35 days of the verdict. The part also has the right to file an appeal of the verdict within 35 days as well. However such an appeal can only be based upon the proceeding and not upon the facts of the case. Should such a fine not be paid, the Village shall send a notification letter to the relevant party stating the verdict and their requirement to pay. The final letter also states that they are subject to future court action and or collection activities. Upon completion, compliance and payment, the Code Enforcement Coordinator shall enter the data into the software and shall close the file.

34. CLOSING A CASE

Once compliance has been achieved and documented the case is closed. This can occur at many points in the process such as:

- Upon initial inspection
- After initial notification
- After the notice of violation
- Following the ticket, or
- Following court action.

Once the property is in compliance with the Code, the results are documented in the software and placed in the case file. If the compliance occurred at any point after the initial inspection, a standard correspondence or phone call may be sent to the responsible party to acknowledge their efforts to correct the violation and to note that the case has been closed.

35. CONTACT LIST

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bayert@villageoflombard.org

Michelle Moore, Village Prosecutor
(630)858-9800

DuPage County Recorder's Office
421 N. County Farm Road
Wheaton, IL 60187
(630) 407-5400

Illinois Secretary of State Office of Business Services
(312) 793-3380
Illinois Secretary of State
Limited Partnership Division
17 N. State Street, Site 1137
Chicago: (Walk In Counter Service Only)
(312)793-2872

For Computer Abstracts of Limited Partnership with
Name of General Partners, Mail Requests and \$10.00 fee, to:
Illinois Secretary of State
Limited Partnership Division
328 Howlett Building
Springfield, IL 62756