

9.65.030 – Code Hearing Units - Powers of Hearing Officers

- A. There is hereby established a Code Hearing Unit in the City of St. Charles municipal government. The Code Hearing Unit shall have jurisdiction to adjudicate any violation of the City of St. Charles Municipal Ordinances (hereinafter referred to from time to time as “Code Violations”) except for the following:
1. proceedings not within the statutory or the home rule authority of municipalities; and
 2. any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles; and
 3. any reportable offense under Section 6-204 of the Illinois Vehicle Code; and
 4. proceedings governed by Chapter 2.19 and Title 17 of the St. Charles Municipal Code. (Ord. 2013-M-67 § 2.)
- B. Hearing Officers shall preside over all administrative adjudication hearings. The powers and duties of Hearing Officers shall include the following:
1. hearing testimony and accepting evidence that is relevant to the existence of the code violation;
 2. issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
 3. preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing;
 4. issuing a determination, based on the evidence presented at the hearing, of whether a code violation exists. The determination shall be in writing and shall include a written finding of fact, decision, and order including the fine, penalty, or action with which the defendant must comply;
 5. imposing penalties as set forth below, and assessing costs upon finding a party liable for the charged violation, except, however, that in no event shall the Hearing Officer have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000, or at the option of the municipality, such other amount not to exceed the maximum amount established by the Mandatory Arbitration System as prescribed by the Rules of the Illinois Supreme Court from time to time for the judicial circuit in which the municipality is located. The maximum monetary fine under this item (5), shall be exclusive of costs of enforcement or costs imposed to secure compliance with the municipality’s ordinances and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the City; and
 6. the amount of penalty imposed shall be as set forth in this Paragraph. Said penalties shall not, in any way, modify the amount or type of penalty applicable to any code violation filed in the Circuit Court. Regardless of whether a party requests a hearing pursuant to this Chapter, the penalty for citations issued in accordance herewith shall be as follows:
 - a. Section 13.16.205, Water Conservation, \$50;
 - b. Section 8.24.070, Deposits on Streets, \$50;
 - c. Section 12.04.185, Snow Removal, \$50;
 - d. Section 9.32.010, Unauthorized Posting, \$50;
 - e. Section 9.24.010 et seq., Noise Prohibitions, \$75;
 - f. Section 8.20.010, Prohibition of Fireworks, \$75;
 - g. Section 5.16.060(A), Prohibited Sale of Tobacco to Minors, \$75;
 - h. Section 10.06.010, Automated Traffic Law Enforcement System violation, as set forth in Section 10.06.010; and,
 - i. all other code violations fines within the jurisdiction of this system of administrative adjudication are listed under their own specific code title.
- C. Prior to conducting administrative adjudication proceedings, administrative Hearing Officers shall have successfully completed a formal training program which includes the following:
1. instruction on the rules of procedure of the administrative hearings which they will conduct;
 2. orientation to each subject area of the code violations that they will adjudicate;
 3. observation of administrative hearings; and
 4. participation in hypothetical cases, including ruling on evidence and issuing final orders.
- In addition, every administrative Hearing Officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years.
- D. A proceeding before a code hearing unit shall be instituted upon the filing of a written pleading by an authorized official of the municipality.

(2015-M-18 : § 1)