

ORDINANCE NO. 3496

**AN ORDINANCE ESTABLISHING
ADMINISTRATIVE ADJUDICATION HEARING COSTS AND FILING FEES**

ADOPTED BY THE
CITY COUNCIL
CITY OF HARVEY

THIS 28th DAY OF October, 2024

**CITY OF HARVEY
COOK COUNTY, ILLINOIS**

Published in pamphlet form by authority of the City Council of the City of Harvey, Cook County, Illinois, this 28th day of October, 2024.

**CITY OF HARVEY
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 3496

BE IT RESOLVED by the Mayor and City Council of the City of Harvey, Cook County, Illinois, THAT:

**AN ORDINANCE ESTABLISHING
ADMINISTRATIVE ADJUDICATION HEARING COSTS AND FILING FEES**

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND

The City of Harvey is a home rule municipality under the Illinois Constitution of 1970 and has authorized a system of administrative adjudication to enforce violations of City ordinances. Code Secs. 2-28-250; 2-30-100; 10-08-100. The Mayor and City Council of the City now desire to amend the City Code to establish hearing costs and filing fees for the City's administrative adjudication hearing system as set forth in this Ordinance.

Section 2. AMENDMENTS

A. Section 2-28-300, "Subpoenas-Defaults," of Article III, "Building and Construction Related Functions-Code Enforcement," of Chapter 2-28, "Planning Department," of Title 2, "City Government and Administration," of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strikethrough~~):

2-28-300 Subpoenas-Defaults.

At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of the building inspector or the attorney for the municipality, or the owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the owner or his attorney fails to appear, the hearing officer may find the owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation. **An owner or owner's attorney filing a motion to set aside a default judgement must pay to the City a filing fee as set forth in Chapter 3-01, Fees, Fines, Insurance, and Guarantee Requirements.**

B. Section 2-28-370, "Costs," of Article III, "Building and Construction Related Functions-Code Enforcement," of Chapter 2-28, "Planning Department," of Title 2, "City Government and Administration," of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strikethrough~~):

2-28-370 Costs.

Upon reaching a decision that a violation has occurred, the hearing officer may also assess costs against the building owner in addition to any other penalty provided under this code. Costs shall be assessed ~~in accordance with a schedule approved by the city council.~~ **as set forth in Chapter 3-01, Fees, Fines, Insurance, and Guarantee Requirements.**

C. Section 2-30-100, "Administrative Hearings," of Chapter 2-30, "Administrative Adjudication System," of Title 2, "City Government and Administration," of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strike through~~):

2-30-100 Administrative hearings.

A. Administrative hearings shall be conducted monthly. Hearing dates shall not occur earlier than fifteen (15) days after the service of the notice of ordinance violation upon the respondent.

F. The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

G. The hearing officer may assess hearing costs upon finding a respondent liable for a violation of any provision of the city code **as set forth in Chapter 3-01, Fees, Fines, Insurance, and Guarantee Requirements.**; ~~however, in no event shall the cost of the hearing exceed twenty five dollars (\$25.00).~~

H. No violations may be established except upon proof by a preponderance of evidence.

D. Section 2-30-120, "Failure to appear at hearing or violation of orders," of Chapter 30, "Administrative Adjudication System," of Title 2, "City Government and Administration," of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strike through~~):

2-30-120 Failure to appear at hearing or violation of orders.

A. In cases where the respondent fails to request an administrative hearing or pay the fines and penalty by the due date set forth in the notice of violation, the city shall send the respondent a notice of final determination with a finding of liable by default.

B. A notice of judgment entered by default shall be forwarded to any respondent who fails to appear and shall contain the same information as a determination of liability, but shall also state that the judgment may be set aside by the administrative hearing officer if, within twenty-one (21) days of issuance of the judgment, a motion is filed and received by the hearing administrator stating good cause for failure to appear. **A respondent filing a motion to set aside a default judgement of the administrative hearing officer shall pay to the City a filing fee as set forth in Chapter 3-01, Fees, Fines, Insurance, and Guarantee Requirements.** The grounds for the request may be limited to:

1. The person having already paid the fine or penalty for the violation in question; and
2. Excusable failure to appear at or request a new date for a hearing.

E. Section 10-08-090, "Petition to set aside determination of parking violation liability," of Chapter 10-08, "Administrative Adjudication of Parking Violations," of Title 10, "Vehicles and Traffic," of the of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strikethrough~~):

10-08-090 Petition to set aside determination of parking violation liability.

A person owing an unpaid fine or penalty may petition to set aside a determination of parking violation liability within ten working days after the hearing officer's determination. Said petition shall be in writing and shall specify the grounds relied upon by the petitioner. **Any person filing a petition to set aside a default judgement of a hearing officer shall pay to the City a filing fee as set forth in Chapter 3-01, Fees, Fines, Insurance, and Guarantee Requirements.** The parking administrator shall grant or deny the petition within fourteen (14) days of the receipt of the petition. The grounds for the petition are limited to: (a) the person not having been the owner or lessee of the cited vehicle on the date the parking violation was issued; (b) the person having already paid the fine or penalty for the parking violation in question; and (c) excusable failure to appear at or request a new date for a hearing. After the determination of parking violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

F. Section 10-08-130, "Fines and penalties for violations," of Chapter 10-08, "Administrative Adjudication of Parking Violations," of Title 10, "Vehicles and Traffic," of the of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strikethrough~~):

10-08-130 Fines and penalties for violations.

Except as provided in Sections 10-08-030 and 10-08-040 of this code, every person who violates any provisions of this title shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per violation. **The hearing officer may assess hearing costs upon finding a person liable for a violation of any provision of this title as set forth in Chapter 3-01, Fees, Fines, Insurance, and Guarantee Requirements.** As provided in this code, the Harvey police department will charge a fee and tow the vehicle.

G. Section 15-02-010, "Codes adopted," of Chapter 15-02, "Code Standards," of Title 15, "Buildings and Construction," of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**, and deletions in ~~strikethrough~~):

15-02-010 Codes adopted.

A. There is adopted by the city, for the purpose of prescribing building regulations to protect the life and property of its residents, which regulations are consistent with nationally recognized standards, those certain codes being marked and designated as the International Code Council's Building Code, Property Maintenance Code, Residential Code, Electrical Code, Plumbing Code, Energy Conservation Code, Private Sewer Code, and Technical Codes.

B. The city of Harvey will automatically update the code enforcement procedures and codes for enforcement based on the latest editions governed under the International Code Council.

C. The fines for failure to follow ICC codes are outlined in the table below.

City of Harvey
Housing Court Fee Schedule

Court Costs: ~~1st appearance \$75.00 plus fine 2nd \$100.00 plus fine 3rd \$150.00 plus fine~~
set forth in Chapter 3.01, Fees, Fines, Insurance, and Guarantee Requirements.

H. Section 3-01-01, "Fees," of Chapter 3-01, "Fees, Fines, Insurance, and Guarantee Requirements," of Title 3, "Revenue and Taxes," of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline** and deletions in ~~strikethrough~~):

Section 3-01-01 Fees

Code Section	Description	Amounts
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TITLE 1	General Provisions	
1-04-125	Collection Fee	35% of unpaid amount

2-28-280(B)	Photocopies of Docket of Scheduled Code Hearing Proceedings Fee	Reasonable fee
<u>2-28-300</u>	<u>Motion to Vacate an Ex-Parte Judgement Fee</u>	<u>\$40.00</u>
2-28-370	Additional Costs Assessed by Hearing Officer for Building Code Violations	In accordance with a schedule approved by city council. <u>\$225.00</u>
2-28-430	Copies of Code Hearing Division Rules and Regulations	Reasonable fee
<u>20-30-100(G)</u>	<u>Administrative Adjudication Hearing Costs</u>	<u>\$225.00</u>
<u>2-30-120(B)</u>	<u>Motion to Vacate an Ex-Parte Judgement Fee</u>	<u>\$40.00</u>
2-84-010(A)	Birth Records Search and Certified Copy of Birth Record	\$17.00

TITLE 10	VEHICLES AND TRAFFIC	
<u>10-08-090</u>	<u>Motion to Vacate an Ex-Parte Judgement Fee</u>	<u>\$40.00</u>
<u>10-08-130</u>	<u>Administrative Adjudication of Parking Violations Hearing Costs</u>	<u>\$225.00</u>
10-16-090	Bicycle Registration Fee	\$1.00

13-12-080(C)	Cross-Connections, Penalties	Not less than \$50.00 and no more than \$500.00
TITLE 15	Buildings and Construction	
15-02-010(C)	Court Costs	First Appearance: \$75.00 225.00 plus fine Second Appearance: \$100.00 300.00 plus fine Third Appearance: \$150.00 \$450.00 plus fine
15-02-010(C); PM A101.1	Board Up (Boards Must Be Painted)	\$1,000.00

Section 3. CONFLICT & SEVERABILITY

A. In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the City, the terms of this Ordinance shall govern.

B. If any section, paragraph, clause, phrase, provision or part of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, phrase, provision or part shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Passed by the City Council of the City of Harvey, Cook County, this 28th day of October, 2024, by the following roll-call vote:


	YES	NO	ABSENT	PRESENT
Drewenski	X			
Chapman		X		
Smith	X			
Key		X		
Randle El	X			
Rogers			X	
Mayor Clark				

Approved by the City of Harvey this 28th day of October, 2024.



Christopher J. Clark, Mayor

ATTEST:



Liliana Gonzalez, Deputy City Clerk
City of Harvey, Cook County, Illinois