

ORDINANCE NO. 14 DD-01

**AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS,
AMENDING CHAPTER 19, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I, GENERAL
PROVISIONS, SECTION 19-1, CURFEW FOR MINORS, OF THE DIXMOOR CODE OF ORDINANCES**

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, Section 11-1-5 of the Illinois Municipal Code (65 ILCS 5/11-1-5) authorizes the corporate authorities of each municipality to declare by ordinance a curfew throughout all or any part of the municipality and establish the conditions and restrictions thereof; and

WHEREAS, 720 ILCS 5/12C-60 of the Illinois Criminal Code of 2012 further authorizes any municipality to exercise legislative or regulatory authority over the subject matter of curfews relative to minors by ordinance or resolution incorporating the substance of Section 12C-60 or increasing the requirements thereof or otherwise not in conflict with said Section; and

WHEREAS, the Village President and the Board of Trustees have determined that the safety of minors is particularly imperiled during late night hours; and

WHEREAS, the Village of Dixmoor wishes to safeguard these minors; and

WHEREAS, the Village President and the Board of Trustees finds that juvenile crime may be minimized through the imposition of a curfew; and

WHEREAS, the Village of Dixmoor wishes to safeguard its citizens from juvenile crime; and

WHEREAS, the Village President and the Board of Trustees have determined that adoption of the proposed amendment to Chapter 19, Offenses and Miscellaneous Provisions, Article I, General Provisions, Section 19-1, Curfew for Minors, in the form set forth in this Ordinance, would serve and be in the best interests of the Village and its citizens;

NOW, THEREFORE, BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1: Recitals. The recitals set forth above are incorporated in this Ordinance as the findings of the President and Board of Trustees.

Section 2: Amendment of Chapter 19, Offenses and Miscellaneous Provisions, Article I, General Provisions, Section 19-1, Curfew for Minors. Chapter 19, Offenses and Miscellaneous Provisions, Article I, General Provisions, Section 19-1, Curfew for Minors, is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 19-1. Curfew for Minors.

(a) Curfew Offenses.

- (1) A minor commits a curfew offense when he or she is present at or remains in any public place or on the premises of any establishment during curfew hours unless one of those exceptions listed in Subsection (b) applies.***
- (2) A parent, guardian, or other person in custody or control of the minor commits a curfew offense when he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village during curfew hours.***

(b) Curfew Defenses. It is a defense to prosecution under subsection (a) of this Section 19-1 that the minor was:

- (1) Accompanied by the minor's parent or guardian;***
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;***
- (3) Engaged in an employment activity or going to or returning home from an employment activity which the laws of this State authorize a person under 17 years of age to perform, without any detour or stop;***
- (4) Involved in an emergency arising from an unforeseen combination of circumstances or the resulting state that calls for immediate action, and includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;***
- (5) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and***

sponsored by a government or governmental entity that takes responsibility for the minor;

(6) Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly; or

(7) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(c) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (b) is present.

(d) Definitions. As used in this Section, the following words, terms, and phrases shall be defined as follows:

(1) "Curfew hours" means:

(a) Between 12:01 a.m. and 6:00 a.m. on Saturday;

(b) Between 12:01 a.m. and 6:00 a.m. on Sunday, and

(c) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(2) "Establishment" means any privately-owned place of business for a profit to which the public is invited, including, but no limited to, any place of amusement or entertainment.

(3) "Guardian" means: (a) a person who, under court order, is the guardian of the person of a minor; or (b) a public or private agency with whom a minor has been placed by a court.

(4) "Minor" means any person who is under 17 years of age.

(5) "Parent" means a person who is: (a) a natural parent, adoptive parent, or a step-parent; or (b) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(6) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(7) "Remain" means to: (a) linger or stay; or (b) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(8) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(e) **Penalty.** Any person who violates a provision of this Section shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00), except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine.

Section 3: Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid by a court of competent jurisdiction, all parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 4: Conflict with other ordinances or laws. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 6: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 19 day of January, 2014, by the following roll call vote: Trustee Fitzgerald Roberts

VOTING AYE:

Trustee Yolanda Williams-Corder
Trustee Michael Smith
Trustee Yvonne Davis

Trustee Juditha Smith
Trustee Ira Ralick

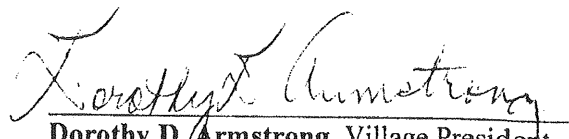
VOTING NAY:

N/A

ABSENT:

N/A

APPROVED this 9th day of January, 2014.


Dorothy D. Armstrong, Village President

ATTEST:


Juanita Darden, Village Clerk

ORDINANCE NO. 14-10-02

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS,
AMENDING CHAPTER 6, ANIMALS AND FOWL, ARTICLE 2, DOGS, DIVISION 1, GENERALLY,
SECTION 6-11, DEFINITIONS, AND DIVISION 2, LICENSE, SECTION 6-29, REQUIRED, AND
SECTION 6-32, FEES, OF THE DIXMOOR CODE OF ORDINANCES
RELATIVE TO ANNUAL DOG LICENSES

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois;

WHEREAS, Section 11-20-9 of the Illinois Municipal Code (65 ILCS 5/11-20-9) authorizes the corporate authorities of each municipality to control, regulate and prohibit the running at large of dogs in such municipality and may impose a tax on dogs;

WHEREAS, Section 24 of the Illinois Animal Control Act (510 ILCS 5/24) authorizes any municipality to prohibit animals from running at large and to further control and regulate dogs or other animals in such municipality;

WHEREAS, the Village President and the Board of Trustees have determined that it would be in the best interests of the Village and the public to amend Chapter 6, Animals and Fowl, Article II, Dogs, Division 1, Generally, Section, 6-11, Definitions, and Division 2, License, Section 6-29, Required and Section 6-32, Fees, so as to require annual dog licenses on or before March 31, and to set fees relative to such licenses;

NOW, THEREFORE, BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1: Recitals. The recitals set forth above are incorporated in this Ordinance as the findings of the President and Board of Trustees.

Section 2: Amendment of Section 6-11, Definitions. Chapter 6, Animals and Fowl, Article III, Dogs, Division 1, Generally, Section 6-11, Definitions, of the Dixmoor Code of Ordinances is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 6-11. Definitions

For the purposes of this Article, the following terms shall have the indicated meanings:

- (a) "Bite" means: *the seizure with the teeth or jaws of any dog so that the person or animal seized has been nipped, gripped, wounded or pierced, and further includes contact of the saliva of such dog with any break or abrasion of the skin.*

- (b) ***"Dangerous dog"*** means: (1) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzed, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.
- (c) ***"Vicious dog"*** means: a dog that, without justification, attacks and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

Section 3: Amendment of Section 6-29, Required. Chapter 6, Animals and Fowl, Article III, Dogs, Division 2, License, Section 6-29, Required, of the Dixmoor Code of Ordinances is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 6-29. Required License.

It shall be unlawful for any person to be the owner of a dog within the Village unless he shall procure a license therefor. Such license shall be obtained on or before the thirty-first (31st) day of March in each year, except for a dog less than four (4) months old on that day, in which case a license shall be procured when the dog attains that age.

Section 4: Amendment of Section 6-32, Fees. Chapter 6, Animals and Fowl, Article II, Dogs, Division 2, License, Section 2-32, Fees, of the Dixmoor Code of Ordinances is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 6-32. Fees.

- (a) *Every owner of a dog within the Village limits shall pay an annual license fee of ten dollars (\$10.00) for any dog four months old or older and shall receive from the Village Collector a metal tag bearing the letters D.D.T. as well as the year issued stamped thereon. Any licenses required on or before the date as provided in Section 6-29, but obtained after that date shall reflect a ten dollar (\$10.00) surcharge.*
- (b) *Any owner of a licensed dog whose license tag has been lost may obtain a replacement tag upon payment of a fee of five dollars (\$5.00) to the Village Collector.*
- (c) *Whenever the ownership of a properly licensed dog within the Village shall change, the new owner shall apply for a transfer of the current license upon such*

printed forms as shall be provided. The fee for such transfer of license shall be five dollars (\$5.00).

Section 5: Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid by a court of competent jurisdiction, all parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 6: Conflict with other ordinances or laws. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7: Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 09 day of January, 2014, by the following roll call vote:

VOTING AYE:

Trustee Yolanda Williams-Corner
Trustee Vernon Davis
Trustee Michael Smith

Trustee Ira Rolark
Trustee Fitzgerald Roberts
Trustee Juditha Smith

VOTING NAY:

N/A

ABSENT:

N/A

APPROVED this 09 day of January, 2014.

Dorothy D. Armstrong
Dorothy D. Armstrong, Village President

ATTEST:

Juanita Darden
Juanita Darden, Village Clerk

Collect one...

ORDINANCE NO. 14-DO-03

**AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS,
AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARD OF TRUSTEES, DIVISION 2,
MEETINGS, SECTION 2-62, AGENDAS FOR PUBLIC MEETINGS RULES AND PROCEDURES OF THE
DIXMOOR CODE OF ORDINANCES**

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, Section 3.1-40-15 of the Illinois Municipal Code (65 ILCS 5/3.1-40-15) allows any municipality to determine its own rules of proceeding, i.e., the establishment of appropriate rules and procedures relative to the preparation and posting of agendas for public meetings in accordance with the public notice requirements of Section 2.02 of Illinois Open Meetings Act; and

WHEREAS, the Village President and the Board of Trustees of the Village of Dixmoor have determined that it would be in the best interests of the Village and the public to amend Chapter 2, Administration, Article II, Board of Trustees, Division 2, Meetings, Section 2-62, Agendas for Public Meetings Rules and Procedures, so as to establish appropriate rules and procedures relative to the designation of items or matters on agendas for all regular public meetings of the Village Board and for any Committee of the Whole meetings or any other public meetings of any public body of the Village in accordance with applicable laws.

NOW, THEREFORE, BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1: Recitals. The recitals set forth above are incorporated in this Ordinance as the findings of the President and Board of Trustees.

Section 2: Amendment to Section 2-62, Agendas for Meetings Rules and Procedures. Chapter 2, Administration, Article III, Board of Trustees, Division 2, Meetings, Section 2-62, Agendas for Public Meetings Rules and Procedures, of the Dixmoor Code of Ordinances is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 2-62. Agendas for Public Meetings Rules and Procedures.

- (a) *The Village Clerk shall prepare an agenda for all regular public meetings of the Village Board, and for any Committee of the Whole meetings or any other public meetings of any public body of the Village. The Village Clerk shall timely post the agenda for all public meetings of the Village in a manner and in accordance with the public notice requirements of the Illinois Open Meetings Act and any other applicable statutes and laws.*

- (b) *Any request(s) from any Board member or other Village official for the designation of any item(s) on the agenda for a regular public meeting of the Village Board or for any Committee of the Whole meeting must be made to, and received by, the Village Clerk no later than 12:00 p.m. on the Friday immediately preceding the next scheduled regular public meeting of the Village Board.*
- (c) *For each agenda item designated on the agenda for any regular public meeting of the Village Board or for any Committee of the Whole meeting, the Village Clerk shall designate the name or names of the Board member or members or other Village official who requested the designation of the agenda item immediately following each agenda item listed thereon.*
- (d) *All agenda items designated on the agenda for a regular public meeting of the Village Board or on the agenda for any Committee of the Whole meeting shall be made by a Trustee, the Village President, the Village Attorney, or other Village official in accordance with the Rules and Procedures set forth in this Section 2-62 and applicable laws.*

Para. (e) stricken
in its entirety, 2/13/14

- ~~(e) *No item shall be placed on the agenda for any regular public meeting of the Village Board or on the agenda for any Committee of the Whole meeting or any other public meetings of the Village Board which is the same or substantially similar to an item or concerns subject matter which is the same as an item that was previously defeated by the Village Board for a period six (6) months from the date the item or matter was defeated unless:*~~

~~(1) *The rules are suspended pursuant to a motion duly made and carried by a vote of two-thirds (2/3) of the members of the Village Board which has been properly designated on the agenda for the public meeting of the Village Board at which the motion to suspend the rules will be made and in accordance with the Rules and Procedures set forth in this Section 2-62 and applicable laws; or*~~

~~(2) *The item or matter is moved to be reconsidered in accordance with Roberts Rules of Order Newly Revised, 11th Edition, and as revised, which has been properly designated on the agenda for the public meeting of the Village Board at which said motion will be made.*~~

Section 3: Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid by a court of competent jurisdiction, all parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 4: Conflict with other ordinances or laws. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 6: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 13th day of February, 2014, by the following roll call vote:

VOTING AYE:

<u>Trustee Yolanda Williams-Coe</u>	<u>Trustee Yvonne Davis</u>
<u>Trustee Michael Smith</u>	<u>Trustee Juditha Smith</u>
<u>Trustee Fitzgerald Roberts</u>	<u>Trustee Jea J. Polack</u>

VOTING NAY:

N/A

ABSENT:

N/A

ABSTENSIONS:

N/A

APPROVED this 13th day of February, 2014.

Dorothy D. Armstrong
Dorothy D. Armstrong, Village President

ATTEST:

Juanita Darden
Juanita Darden, Village Clerk

**AN ORDINANCE TO REPEAL ORDINANCE NO. 12-KO-05, ENTITLED AN ORDINANCE
AUTHORIZING THE USE OF MUNICIPAL VEHICLES IN THE VILLAGE OF DIXMOOR, COOK
COUNTY, ILLINOIS**

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, the Board of Trustees of the Village of Dixmoor, Cook County, Illinois, on May 9, 2012, adopted an ordinance relative to the use of municipal vehicles, specifically, Ordinance No. 12-KO-05, entitled An Ordinance Authorizing the Use of Municipal Vehicles in the Village of Dixmoor, Cook County, Illinois; and

WHEREAS, the Village President and the Board of Trustees have determined that it would be in the best interests of the Village to repeal Ordinance No 12-KO-05 in its entirety.

NOW THEREFORE, BE IT ORDAINED BY the Village President and the Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1: Recitals. The recitals set forth above are incorporated in this Ordinance as the findings of the President and Board of Trustees.

Section 2: Repeal of Ordinance. Ordinance No. 12-KO-05, entitled An Ordinance Authorizing the Use of Municipal Vehicles in the Village of Dixmoor, Cook County, Illinois, adopted on May 9, 2012, is hereby repealed in its entirety.

Section 3: Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid by a court of competent jurisdiction, all parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 4: Conflict with other ordinances or laws. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 6: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 13th day of February, 2014, by the following roll call vote:

VOTING AYE:

Trustee Yolanda Williams-Corner Trustee IRA J. Robarik
Trustee Yvonne Davis _____
Trustee Michael Smith _____

VOTING NAY:

Trustee Fitzgerald Roberts _____

ABSENT:

Trustee Juditha Smith _____

ABSTENSIONS:

APPROVED this 13th day of February, 2014.

Dorothy D. Armstrong
Dorothy D. Armstrong, Village President

ATTEST:

Juanita Darden
Juanita Darden, Village Clerk

14-DO-06

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-1, CODE ADOPTED, OF THE DIXMOOR CODE OF ORDINANCES SO AS TO ADOPT BY REFERENCE THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, THE 2012 INTERNATIONAL EXISTING BUILDING CODE AND THE 2012 INTERNATIONAL CODE COUNCIL PERFORMANCE CODE FOR BUILDINGS AND FACILITIES AND FURTHER AMENDING CERTAIN PROVISIONS OF THESE CODES

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, the corporate authorities of the Village of Dixmoor may, pursuant to Article 11, Divisions 30 to 39 of the Illinois Municipal Code (65 ILCS 5/1-1-1, *et. seq.*), regulate and control the construction, alteration, and maintenance of buildings and structures, parts thereof, and appurtenances or systems therein; and

WHEREAS, the corporate authorities may, pursuant to Sections 1-2-3.1, 1-2-4, and 1-3-2 of the Illinois Municipal Code (65 ILCS 5/1-1-1, *et. seq.*), approve, by reference, rules and regulations that have been previously printed in book or pamphlet form and that govern buildings, structures and parts thereof, without further printing or publication, so long as a copy of the rules and regulations to be adopted is filed with the Clerk of the municipality for use and examination by the public at least thirty (30) days prior to the adoption and effective date, and so long as the municipality provides certain identifying information regarding the rules and regulations to the Illinois Building Commission (Capital Development Board) at least 30 days prior to the adoption and effective date; and

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) provides that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the 2012 International Building Code provides rules and regulations governing the construction, alteration, enlargement, repair, maintenance, and removal and demolition of buildings, structures and appurtenances thereto, with the exception of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories high with separate means of egress and their accessory structures; and

WHEREAS, the 2012 International Building Code is published in book form by the International Code Council, and is commonly adopted and used by municipalities by reference as the municipal building code; and

WHEREAS, the 2012 International Property Maintenance Code provides rules and regulations governing the conditions and maintenance of existing residential and non-residential buildings, structures, and parts thereof; and

WHEREAS, the 2012 International Property Maintenance Code is published in book form by the International Code Council and is commonly adopted and used by municipalities to govern the conditions and maintenance of existing residential and non-residential buildings, structures, and parts thereof; and

WHEREAS, the 2012 International Residential Code for One- And Two-Family Dwellings provides rules and regulations governing the construction, alteration, enlargement, replacement, repair, location, maintenance, use and removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings not more than three (3) stories high with separate means of egress, and their accessory structures; and

WHEREAS, the 2012 International Residential Code for One- And Two-Family Dwellings is published in book form by the International Code Council and is commonly adopted and used by municipalities by reference as the municipal residential building code to govern one- and two-family dwellings and multiple single-family dwellings not more than three (3) stories high with separate means of egress, and their accessory structures; and

WHEREAS, the 2012 International Existing Building Code provides rules and regulations governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings; and

WHEREAS, the 2012 International Existing Building Code is published in book form by the International Code Council and is commonly adopted and used by municipalities to govern the repair, alteration, change of occupancy, addition, and relocation of existing buildings; and

WHEREAS, the 2012 International Code Council Performance Code for Buildings and Facilities provides rules and regulations governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of building and/or fire protection systems; and

WHEREAS, the 2012 International Code Council Performance Code for Buildings and Facilities is published in book form and is commonly adopted and used by municipalities to govern the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of building and/or fire protection systems; and

WHEREAS, the corporate authorities of the Village of Dixmoor have considered the rules and regulations governing buildings and structures as provided by the 2012 International Building Code, the 2012 International Property Maintenance Code, the 2012 International Residential Code for One- And Two-Family Dwellings, the 2012 Existing Building Code, and the 2012 International Code Council Performance Code for Buildings and Facilities, and deem it to be in the best interest of the Village to

adopt these codes with certain amendments to replace any existing Village Code provisions governing buildings and structures; and

WHEREAS, the corporate authorities of the Village of Dixmoor have complied with all identification and publication requirements mandatory when adopting by reference such code provisions, including written notification to the Illinois Building Commission (Capital Development Board) and having a copy of each of said Codes on file for public use, inspection and examination at the Village for at least thirty (30) days prior to adoption of this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment of Section 8-1, Code Adopted. Chapter 8, Buildings and Building Regulations, Article I, In General, Section 8-1, Code Adopted, of the Dixmoor Code of Ordinances is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 8-1. Adoption of Technical Codes.

Section 8-1.1 Adoption of 2012 International Building Code. The 2012 International Building Code, published by the International Code Council, be and is hereby adopted as the Building Code of the Village of Dixmoor for the control of buildings as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012 International Building Code are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments:

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the Village of Dixmoor, State of Illinois, hereinafter referred to as "this code".

(b) Section 101.2.1 is amended to read as follows:

101.2 Appendices. The following Appendices are hereby adopted:

Appendix A, Employee Qualifications

Appendix G, Flood-Resistant Construction

Appendix H, Signs

(c) Section 101.4.3 is deleted and replaced with the following:

101.4.3 Plumbing. The provisions of the Illinois Plumbing Code, and as amended or revised, shall apply to the installation, alteration, repair and replacement, use or maintenance of plumbing

services. Any and all other references to the "International Plumbing Code" in this code shall mean the "Illinois Plumbing Code".

- (d) **Section 105.1.1 Annual permit**, is deleted in its entirety.
- (e) **Section 105.1.2 Annual permit records**, is deleted in its entirety.
- (f) **Section 113.3 Qualifications**, is deleted in its entirety.
- (g) Section 114.4 is amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

- (h) Section 115.3 is amended to read as follows:

Section 115.3, Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

- (i) Section 116.4 is amended to read as follows:

116.4 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered to the owner personally; or
- (2) sent by first-class, with postage prepaid, addressed to the owner at the last known address; or
- (3) if required by State law, sent by certified or registered mail, with postage prepaid, addressed to the owner at the last known address with return receipt requested; or
- (4) If a certified or registered letter is returned showing that the letter was not delivered, notice shall be posted in a conspicuous place on or about the structure affected by such notice or in such manner or process specifically required by applicable State law.

Section 8-1.2 Adoption of 2012 International Property Maintenance Code. The 2012 International Property Maintenance Code, published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012

International Property Maintenance Code are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments:

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Village of Dixmoor, State of Illinois, hereinafter referred to as "this code".

(b) Section 102.3 is amended to read as follows:

102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, the Illinois Plumbing Act, and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Village of Dixmoor Zoning Code. Any and all other references to the "International Plumbing Code" in this code shall mean the "Illinois Plumbing Code".

(c) Section 103.5 is amended to read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by Village ordinances.

(d) Section 106.4 is amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day that a violation continues after due notice have been served shall constitute a separate offense.

(e) Section 107.3 is amended to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered to the owner personally; or
- (2) sent by first-class, with postage prepaid, addressed to the owner at the last known address; or
- (3) if required by State law, sent by certified or registered mail, with postage prepaid, addressed to the owner at the last known address with return receipt requested; or
- (4) If a certified or registered letter is returned showing that the letter was not delivered, notice shall be posted in a conspicuous place on or about the structure affected by such notice or in such manner or process specifically required by applicable State law.

- (f) Section 110.3 is amended to read as follows:

110.3 Failure to comply. In accordance with Section 11-31-1 of the Illinois Municipal Code (65 ILCS 5/11-31-1), if the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

- (g) Section 112.4 is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

- (h) Section 302.4 is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, vegetation, ragweed, daisies, goldenrod, burdock, yellow burdock, thistles, and any other noxious weeds of like kind and overgrowth and underbrush, other than trees or shrubs provided; however this term shall not include cultivated flowers or gardens. Upon failure to comply with the notice of violation, in accordance with Chapter 13, Article III, Weeds, of the Dixmoor Code of Ordinances and Section 11-20-7 of the Illinois Municipal Code (65 ILCS 5/11-20-7), any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner for the property.

- (i) Section 501.1 is amended to read as follows:

501.1 Scope. The provisions of this chapter and Illinois Plumbing Code shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Section 8-1.3 Adoption of 2012 International Residential code for One- And Two-Family Dwellings.

The 2012 International Residential Code for One- And Two-Family Dwellings, published by the International Code Council, be and is hereby adopted as the Residential Code for One- And Two-Family Dwellings of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012 International Residential Code for One- And Two-Family Dwellings are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments:

- (a) Section R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- And Two-Family Dwellings of the Village of Dixmoor, State of Illinois, and shall be cited as such and will be referred to herein as “this code”.

- (b) Section R102.5 is amended to read as follows:

R102.5 Appendices. The following appendices are hereby adopted:

Appendix A, Sizing and Capacities of Gas Piping;

Appendix B, Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents;

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;

Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance;

Appendix E, Manufactured Housing Used as Dwellings;

Appendix F, Radon Control Methods

- (c) **Section 105.2 Work exempt from permit**, is amended so as to delete “Building” exemptions 1, 2, 3, 4, and 5.

- (d) Section R108.5 is amended to read as follows:

R108.8.5 Refunds. No permit fees shall be refunded.

- (e) Section R108.6 is amended to read as follows:

R108.6 Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to an additional fee as established by applicable Village ordinances that shall be in addition to the required permit fees. No permit shall be issued for person, company or contractor until any outstanding permit fines/fees have been paid in full.

- (f) **Section 112.3 Qualifications**, is deleted in its entirety.

- (g) Section R113.4 is amended to read as follows:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect

to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

- (h) Section R114.2 is amended to read as follows:

R114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

- (i) **Section 322.1.7 Protection of water supply and sanitary sewage systems,** is amended in the first sentence to delete the language “of this code” and insert in lieu thereof “the Illinois Plumbing Code; and the second sentence is amended to delete the language “of this code” and insert in lieu thereof “the Illinois Plumbing Code”.
- (j) **Section R903A.1 Secondary (emergency overflow” drains or scuppers,** is amended to delete the language “International Plumbing Code” and insert in lieu thereof “the Illinois Plumbing Code”. Any and all other references to the “International Plumbing Code” shall mean the “Illinois Plumbing Code”.

Section 8-1.4 Adoption of 2012 International Existing Building Code.

The 2012 International Existing Building Code, published by the International Code Council, be and is hereby adopted as the Existing Building Code of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, conditions, and terms of the 2012 International Existing Building Code are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following additions, insertions, deletions, and amendments:

- (a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Code of the Village of Dixmoor, State of Illinois, hereinafter referred to as “this code”.

- (b) **Section 105.1 Annual permit,** is deleted in its entirety.
- (c) **Section 105.1.2 Annual permit records,** is deleted in its entirety.
- (d) Section 108.4 is amended to read as follows:

108.4 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to an additional fee as established by applicable Village ordinances that shall be in addition to the required permit fees. No permit shall be issued for any person, company or contractor until any outstanding permit fines/fees have been paid in full.

- (e) Section 108.6 is amended to read as follows:

108.6 Refunds. No permit fees shall be refunded.

(f) **Section 112.3 Qualifications**, is deleted in its entirety.

(g) Section 113.4 is amended to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

(h) Section 114.3 is amended to read as follows:

R114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be subject to penalties as prescribed by law and punishable in accordance to the provisions of the municipal code.

(i) Section 115.4 is amended to read as follows:

115.4 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (1) delivered to the owner personally; or
- (2) sent by first-class, with postage prepaid, addressed to the owner at the last known address; or
- (3) if required by State law, sent by certified or registered mail, with postage prepaid, addressed to the owner at the last known address with return receipt requested; or
- (4) If a certified or registered letter is returned showing that the letter was not delivered, notice shall be posted in a conspicuous place on or about the structure affected by such notice or in such manner or process specifically required by applicable State law.

(j) **Section 301.2 Additional codes**, is amended to delete the language "International Plumbing Code" and insert therein the language "Illinois Plumbing Code". Any and all other references to the "International Plumbing Code" in this code shall mean the "Illinois Plumbing Code".

Section 8-1.5 Adoption of 2012 International Code Council Performance Code For Buildings and Facilities.

The 2012 Performance Code for Buildings and Facilities, published by the International Code Council, be and is hereby adopted as the Performance Code for Buildings and Facilities of the Village of Dixmoor for the control of buildings and structures as therein provided; and each and all of the regulations, provisions,

conditions, and terms of the 2012 International Code Council Performance Code for Buildings and Facilities are hereby referred to, adopted, and made a part hereof as if fully set out herein, except with the following addition, insertion, deletion, and amendment:

(a) Section 103.3.13.4 is amended to read as follows:

103.2.13.4 Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building, structure or facility in violation of the approved design documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00. Upon default of payment of any fine or penalty or installment or any installment of a fine or penalty imposed for a violation of this code, any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipal attorney shall be charged to the offender. Each day any violation of any provision of this code exists shall constitute a separate offense.

Section 3: Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid by a court of competent jurisdiction, all parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 4: Conflict with other ordinances or laws; savings clause. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict; provided however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village prior to the effective date of this Ordinance.

Section 5: Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 6: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 27th day of February, 2014, by the following roll call vote:

VOTING AYE:

Trustee Yolanda Williams-Corner
Trustee Yvonne Davis
Trustee Sudhita Smith

Trustee Michael A. Smith
Trustee Fitzgerald Ruben
Trustee Jim S. Kolarik

VOTING NAY:

NONE

ABSENT:

NONE

ABSTENSIONS:

NONE

APPROVED this 21st day of February, 2014.

Dorothy D. Armstrong, Village President

ATTEST:

Juanita Darden, Village Clerk

ORDINANCE NO. 14-DO-07

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS, RE-AFFIRMING AND RATIFYING EXISTING STATUTORY NON-HOME RULE POWERS BY AMENDING CHAPTER 18, MOTOR VEHICLES AND TRAFFIC, OF THE DIXMOOR CODE OF ORDINANCES SO AS TO ADD A NEW ARTICLE IX, ENTITLED ADMINISTRATIVE ADJUDICATION OF VIOLATIONS OF TRAFFIC REGULATIONS CONCERNING THE STANDING, PARKING OR CONDITIONS OF VEHICLES

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non-home rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, Section 11-208(a)(1) of the Illinois Vehicle Code (625 ILCS 5/11-208(a)(1)) authorizes the corporate authorities of each municipality to regulate the standing or parking of vehicles; and

WHEREAS, Section 11-208(a)(15) of the Illinois Vehicle Code (625 ILCS 5/11-208(a)(15)) authorizes the corporate authorities of each municipality to adopt traffic regulations as authorized by the Illinois Vehicle Code; and

WHEREAS, Section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3) authorizes the corporate authorities of each municipality to provide by ordinance for a system of administrative adjudication of municipal vehicular standing and parking violations and vehicle compliance violations; and

WHEREAS, the Corporate Authorities of the Village of Dixmoor desire to affirm and ratify existing statutory non-home rule powers granted to them under Sections 11-208 and 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208; 625 ILCS 5/11-208.3); and

WHEREAS, the Village President and Board of Trustees of the Village of Dixmoor deem it to be in the best interests of the Village to declare and clarify its existing statutory non-home rule powers pursuant to Sections 11-208 and 11-208.3 of the Illinois Vehicle Code by amending Chapter 18, Motor Vehicles and Traffic, relative to its establishment and adoption of a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as described in Section 11-208.3 of the Illinois Vehicle Code for the purpose of providing a fair and efficient method of enforcement of municipal regulations through the administrative adjudication of violations of municipal ordinances regulating the standing and parking of vehicles, the conditions and use of vehicle equipment on a vehicle, and the display of municipal vehicle wheel tax licenses within the borders of the Village, as well as its establishment of a schedule of uniform fines and penalties and authority and procedures for the collection of unpaid fines and penalties.

NOW, THEREFORE, BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment of Chapter 18, Motor Vehicles and Traffic, to Add a New Article Relative To A System of Administrative Adjudication of Vehicular Standing, Parking and Compliance Violations. Chapter 18, Motor Vehicles and Traffic, is hereby amended by adding a new Article IX, entitled Administrative Adjudication of Violations of Traffic Regulations Concerning the Standing, Parking or Conditions of Vehicles, thereto to read as follows:

Article IX: Administrative Adjudication of Violations of Traffic Regulations Concerning the Standing, Parking, or Conditions of Vehicles.

Section 18-211. Purpose. The purpose of this Article is to provide a fair and efficient method of enforcement of municipal regulations through the administrative adjudication of violations of municipal ordinances regulating the standing and parking of vehicles, the conditions and use of vehicle equipment on a vehicle, and the display of municipal vehicle wheel tax licenses within the borders of the Village, as well as to establish a schedule of uniform fines and penalties and authority and procedures for the collection of unpaid fines and penalties.

Section 18-212. Definitions. For purposes of this Article, the following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section 18-212, except where the context clearly indicates a different meaning:

- (a) "Compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of municipal vehicle registration stickers (wheel tax licenses).
- (b) "Parking violation" means a violation of those traffic regulations concerning the standing or parking of vehicles as further defined in this Chapter 18.

Section 18-213. Adoption of State Law. The Village hereby adopts a system of administrative adjudication of parking violations and vehicle compliance violations as authorized by Section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3).

Section 18-214. Adjudication Procedure. All vehicular standing and parking violations and vehicle compliance violations shall be adjudicated in accordance with the procedures set forth in this Article, and as amended from time to time and final determinations of vehicular standing, parking, and compliance violations liability, validity of notice of impending impoundment, validity of notice of impending driver's license suspension, impoundment of vehicle and collections shall be made only in accordance with the provisions set forth in this Article.

Section 18-215. Traffic Compliance Administrator. There is hereby created the position of the Village of Traffic Compliance Administrator who shall be appointed by the Village President with the advice and consent of the Board of Trustees, and shall have such powers and duties as set forth in 625 ILCS 5/11-208.3(b)(1), and such other duties as may be assigned from time to time by the Village President or chief

of police as are necessary and proper to carry into effect the powers granted and the purposes stated in this Article, including but not limited to, the authority to:

- (a) Operate and manage the system of administrative adjudication of vehicle standing, and parking violations and vehicle compliance violations;
- (b) Adopt, distribute, and process parking and compliance violation notices and other notices required by this Article or as may be reasonably required to carry out the purpose of this Article;
- (c) Collect money paid as fines and penalties for violation of parking and compliance ordinances;
- (d) Certify copies of final determinations of standing, parking, and compliance regulation violations liability and factual reports verifying that the final determination of standing, parking and compliance regulation violation(s) liability was issued in accordance with this Article and 65 ILCS 5/11-208.3;
- (e) Make certified reports to the Illinois Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Article and those of Section 6-306.5 of the Illinois Vehicle Code.
- (f) Review final determinations of vehicular standing, parking, and compliance violations liability, validity of notices of impending impoundment or validity of notice of impending driver's license suspension, in an administrative review capacity in accordance with the provisions of this Article.
- (g) Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.
- (h) Collect unpaid fines and penalties by filing or causing the filing of complaints in the circuit court or selecting or appointing an individual or agency to act on behalf of the municipality in filing complaints seeking judgments of for unpaid fines or penalties and pursuit of all post-judgment remedies available by current law.
- (i) Utilize the agency or tow firm designated by the Village Board and/or Chief of Police to tow and impound vehicles in accordance with the provisions of this Article.

Section 18-216. Contents of Parking Violation and Vehicle Compliance Violation Notices. A parking, standing, or compliance violation notice shall specify the date, time and place of the violation; the particular regulation violated; the fine and any penalty that may be assessed for late payment; the vehicle make and state registration number; and the identification number of the person issuing the notice. The notice shall also state that the payment of any indicated fine, and the payment of any applicable penalty for late payment shall operate as a final disposition of the violation, contain information as to the availability of a hearing in which the violation may be contested on its merits; and specify the time and manner in which a hearing may be had.

Section 18-217. Service of Violation Notices. Service of the violation(s) notice(s) shall be made by the person issuing the notice by:

- (a) Affixing the original or a facsimile of the notice to an unlawfully standing or parked vehicle; or
- (b) Handing the notice to the operator of the cited vehicle if he or she present.

Section 18-218. Certification As To Correctness. The correctness of the facts entered on a vehicular standing, parking or compliance violation notice shall be certified by the person issuing said notice by:

- (a) Signing his or name to the notice at the time of service; or
- (b) In the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness all notices produced by the device while under his or her control.

Section 18-219. Retention of Original Notices; Prima Facie Evidence of Correctness; Admissibility. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A violation notice issued, signed, and served in accordance herewith, a copy of the notice, or a computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice or copy thereof shall be admissible in any subsequent administrative or legal proceeding.

Section 18-220. Authorized Persons. All police officers, community service officers and such other persons as designated by the Board of Trustees from time to time are authorized to issue violation(s) notice(s). Any person authorized hereby to issue violation(s) notice(s) and who detects a violation of any section of any applicable municipal ordinance shall issue a notice of violation thereof and shall make service thereof as set forth in this Article.

Section 18-221. Hearing Officer. Hearings shall be conducted by a hearing officer appointed by the Village President with the advice and consent of the Village Board, and who shall be compensated as established by the Village Board. The hearing officer shall be empowered to:

- (a) Preside over the administrative hearings established herein as the adjudicator;
- (b) Administer oaths;
- (c) Secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers;
- (d) Assess fines and penalties for the violation of a vehicular standing, parking or compliance violation notice as established in this Article;
- (e) Make final determination of vehicular standing, parking, and compliance violation liability, validity of notice of impending impoundment, and validity of notice of impending driver's license suspension in accordance with the provisions of this Article;
- (f) Provide for the accurate recordation of the administrative adjudication hearing;
- (g) In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Prior to conducting proceedings under this Article, a hearing officer shall submit adequate proof to the Village that he or she is covered by malpractice insurance with policy limits acceptable to the Village. Hearing officers shall maintain such coverage at all times while conducting proceedings under this Article.

Section 18-222. Administrative Hearing Requirements. An administrative hearing to adjudicate the alleged standing, parking, or compliance violation(s) on its merits shall comply with the following requirements:

- (a) The hearing shall be granted to the registered owner or operator of the cited vehicle pursuant to 625 ILCS 5/11-208.3, or the lessee of the cited vehicle pursuant to 625 ILCS 5/11-106;
- (b) Hearing dates shall be at the date, time and place as set forth in the violation notice issued and served, or such additional notices issued in accordance with this Article. Violators shall be given no less than three (3) opportunities to appear and failure to appear by the third scheduled hearing date will result in a final determination of liability as set forth in this Article.
- (c) All hearings shall be recorded.
- (d) The hearing shall culminate in a determination of liability or non-liability, made by the hearing officer, who shall consider the testimony and other evidence without the application of formal or technical rules of evidence. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with this Article.
- (e) Persons appearing to contest a standing, parking or compliance violation on its merits may be represented by counsel at their own expense.
- (f) The final determination of any matter that may be decided by the hearing officer may be reviewed as provided in this Article.

Section 18-223. Procedures for Nonresidents. In lieu of personally appearing at the hearing, individuals who are nonresidents of the Village at the time of the hearing may submit a notarized written statement or affidavit as to grounds for contesting the merits of the alleged violation(s). On or before at least seven (7) days prior to the hearing date contained in the original notice of violation issued, the Traffic Compliance Administrator shall send or cause to be sent notice advising nonresidents of this option. Any notarized written statement or response by a nonresident must be received at the Village Hall addressed to the Traffic Compliance Administrator no less than forty-eight (48) hours prior to the time of the hearing at which the violation will be considered. In making a decision concerning that alleged violation, the hearing officer shall consider such affidavit or notarized statement.

Section 18-224. Additional Notices. Upon failure of the registered owner or lessee of the cited vehicle to appear at the administrative hearing indicated in the vehicular standing, parking, or compliance regulation violation(s) notice(s), or upon final determination of violation liability, the Traffic Compliance Administrator shall send or cause to be sent additional notices which:

- (a) Shall be sent to the registered owner or lessee of the cited vehicle at the address as is recorded with the Secretary of State.
- (b) Shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the cited vehicle at the time of the lease.
- (c) Shall be sent by first class United States mail, postage prepaid.
- (d) Service of additional notices sent in accordance herewith shall be complete as of the date of deposit in the United States Mail.

- (e) The additional notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:
- (1) Upon the failure of the registered owner or lessee of the cited vehicle to appear at the hearing set forth in the vehicular standing, parking, or compliance regulation violation(s) notice(s), additional notice(s) shall be sent, as above set forth, and shall contain, but not be limited to the following information:
 - (i) Date and location of violation cited in the vehicular standing, parking, or compliance regulation violation(s) notice(s).
 - (ii) The particular standing, parking, or compliance regulation violated.
 - (iii) The vehicle make and state registration.
 - (iv) The fine and any penalty that may be assessed for late payment.
 - (v) Notice to the registered owner or lessee of their current status, other than paid in full.
 - (vi) The date, time and place of the administrative hearing at which the alleged violation may be contested on its merits.
 - (vii) A statement that failure to either pay the indicated fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of violation liability for the cited violation in the amount of the fine and penalty indicated.
 - (viii) A statement that upon the occurrence of a final determination of vehicular standing, parking, or compliance violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.
 - (2) A notice of final determination of vehicular standing, parking, or compliance regulation violation(s) liability shall be sent following an appearance by the violator and a determination of liability, or the failure to appear by the violator by the third and final hearing date upon conclusion of any administrative and/or judicial review, as is hereinafter set forth, and the notice shall contain, but not be limited to, the following information and warnings:
 - (i) A statement that the unpaid fine and any penalty assessed is a debt due and owing to the municipality.
 - (ii) A warning that failure to pay the fine and any penalty due and owing the municipality within the time specified may result in the municipality's filing a petition in the circuit court to have the unpaid fine or penalty rendered a judgment in accordance with 625 ILCS 5/11-208.3(f), incorporated herein by reference.
 - (iii) A warning that the vehicle owned by the person and located within the municipality may be impounded for failure to pay fines or penalties for five or more vehicular standing, parking, or compliance regulation violations.

- (iv) A warning that the person's driver's license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 ILCS 5/6-306.5, incorporated herein by reference.
- (3) A notice of impending suspension of a person's driver's license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten (10) or more vehicular standing or parking regulation violation(s):
 - (i) The notice shall state that failure to pay the fine or penalty owing within 45 days of the date of the notice will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under 625 ILCS 5/6-306.5, incorporated herein by reference.
 - (ii) The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the municipality along with a request for a photostatic copy.
 - (iii) The notice of impending driver's license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

Section 18-225. Final Determination of Violation Liability. A final determination of vehicular standing, parking, or compliance regulation violation shall occur:

- (a) Following failure to pay the fine or penalty assessed after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures as set forth herein;
- (b) Where a person fails to appear at a prior hearing or by the third and final administrative hearing provided to contest the alleged violation(s) on the date and at the time and place specified in a prior served or mailed notice, the hearing officer's determination of vehicular standing, parking, or compliance regulation violation liability shall become final:
 - (1) Upon denial of a timely petition to set aside that determination;
 - (2) Upon expiration of the period for filing the petition without a filing having been made.

Section 18-226. Administrative Review. A petition to set aside a determination of vehicular standing, parking, or compliance violation liability may be filed by a person owing an unpaid fine or penalty in the manner and subject to the restrictions and grounds hereinafter set forth:

- (a) A written petition to set aside a determination of liability must be filed in the office of the traffic compliance administrator within, but not later than, 14 days from the date the determination of liability is made.
- (b) The traffic compliance administrator shall act upon the petition timely filed and render a decision thereon within 14 days of the date filed.
- (c) The grounds for setting aside a determination of liability shall be limited to the following:
 - (1) The person against whom the determination of liability is made was not the owner or lessee of the cited vehicle on the date the vehicular standing, parking, or compliance regulation violation notice(s) was issued.

- (2) The person having already paid the fine or penalty prior to the determination of liability for the violations in question.
- (3) Excusable failure to appear at or request a new date for a hearing.
- (d) Should the determination of liability be set aside, the traffic compliance administrator shall:
 - (1) Notify the registered owner, or lessee, as the case may be, that the determination of liability has been set aside upon a showing of just cause.
 - (2) Notify the registered owner, or lessee, as the case may be, of a date, time and place for a hearing on the merits of the violation for which determination of liability has been set aside.
 - (3) Notice of setting aside of the determination of liability and the notice of the hearing date shall be by first class United States mail, postage prepaid to the address set forth on the petition to set aside the determination of liability.
 - (4) Service of the notice(s) shall be complete on the date the notice(s) is deposited in the United States mail.

Section 18-227. Schedule of Fines/Penalties.

- (a) The fines and penalties which shall be imposed for the violation of vehicular standing, parking, or compliance regulation violation shall be as follows:

FINE PAYMENT SCHEDULE

<i>Fine schedule</i>		<i>General Fine Amount</i>	<i>Handicapped Fine Amount</i>	<i>Traffic Compliance</i>
Step 1	Upon service of a violation notice issued and paid prior to the commencement of the 1 st Hearing Date, the fine amount will be:	\$75.00	\$100.00	\$75.00
Step 2	Having failed to pay the fine amount specified in Step 1, prior to the first hearing date, the fine amount, if paid prior to the second hearing date will be:	\$100.00	\$150.00	\$100.00

Step 3	Having failed to pay the fine amount specified in Step 2 prior to the second hearing date, the fine amount, if paid on the second hearing date or prior to the third hearing date will be:	\$150.00	\$200.00	\$150.00
Step 4	Having failed to pay the fine amount specified in Step 3 prior to the third hearing date, the fine amount, if paid on the third hearing date or upon the finding of liability for the violation, or failure to appear at the third hearing date, will be:	\$200.00	\$250.00	\$200.00

- (b) The fines and penalties herein set forth shall be uniformly applied for each violation of any applicable Village ordinance.
- (c) The Village adopts by reference all current and future local standing, parking, or condition of vehicle ordinances, and those provisions of the Illinois Compiled Statutes governing the standing, parking, or condition of vehicles, for its enforcement and adjudication within the borders of the Villages and in those areas subject to off-street parking agreements.

Section 18-228. Certified Report and Contesting Certified Report.

- (a) Upon a failure to pay fines and penalties deemed due and owing the Village after the exhaustion of administrative procedures set forth herein for ten (10) or more vehicular parking regulation violations, the traffic compliance administrator shall make a certified report to the Secretary of State stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing the Village as a result of ten or more violations of municipal vehicular standing or parking regulations and thereby cause the suspension of that person's driver's license.
- (b) The traffic compliance administrator shall take no further action unless and until the fines and penalties due and owing the Village are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the traffic compliance administrator shall submit to the Secretary of State a notification which shall result in the halting of a driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.

- (c) Persons may challenge the accuracy of the certified report by completing a form provided by the office of the traffic compliance administrator. The form shall specify the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:
 - (1) The person was neither the owner nor the lessee of the vehicle receiving ten or more violation notices on the date such notices were issued; or
 - (2) The person has paid the fine and/or penalty for the ten or more violations indicated on the certified report.
- (d) The traffic compliance administrator shall render a determination within fourteen (14) business days of receipt of the objection form and shall notify the objector of the determination.

Section 18-229. Immobilization, Towing and Impoundment.

- (a) Any motor vehicle whose registered owner has been determined to be liable for five or more vehicular standing, parking, or compliance regulation violations, for which the fines or penalties assessed remain unpaid, may be immobilized or towed and impounded if:
 - (1) The traffic compliance administrator has determined that a person has been determined to be liable for five (5) or more vehicular standing, parking, or compliance regulation violations, the fines or penalties for which remain unpaid.
 - (2) The person determined to be liable for five or more violations is the registered owner of a motor vehicle located within the Village's geographical boundaries.
 - (3) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of said notice by disproving liability for the unpaid final determinations of parking, standing, or compliance regulation violation liability listed on the notice has been sent to the registered owner of the motor vehicle located within the geographical boundaries of the Village which contains, but shall not be limited to, the following:
 - (i) That a final determination has been made on five or more vehicular standing, parking, or compliance regulation violations, the fines and penalties for which remain unpaid.
 - (ii) A listing of the violations for which the person has been determined to be liable, which shall include for each violation:
 - a. The vehicular standing, parking, or compliance regulation violation notice number;
 - b. The date of issuance;
 - c. The total amount of fines and penalties assessed.
 - (iii) That the motor vehicle owned by the person and located within the Village is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within fourteen (14) days of the date of service.
 - (iv) That the motor vehicle owned may contest the validity of the notice by fully completing and signing the request for hearing portion of one notice and by filing the request for hearing with the traffic compliance administrator within, but not later than fourteen (14) days of the date of the notice. The request for a hearing shall be deemed filed upon receipt by the traffic compliance administrator.
 - (4) The motor vehicle of the registered owner to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and no timely request for a

hearing has been filed with the traffic compliance administrator to contest the validity of the notice.

- (5) Upon the receipt of the request for hearing to contest the validity of the notice of impending immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity of said notice, by disproving liability for the unpaid final determinations of parking, standing, or compliance violation liability listed on the notice, on the next available hearing date, but in no case shall the hearing be scheduled later than sixty (60) days after the request for hearing is filed.
 - (i) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.
 - (ii) Notice shall be sent by first class United States mail, postage prepaid to the address as is set forth on the request for hearing.
 - (iii) Service of the notice shall be complete on the date it is placed in the United States mail.
- (b) The registered owner of the vehicle immobilized or towed and impounded under this section shall have the right to a prompt administrative adjudication hearing without the requirement of payment of outstanding fines and penalties for which the final determination has been made.
 - (1) The traffic compliance administrator shall serve a post-towing notice upon the registered owner of a vehicle immobilized or towed and impounded under this section which notice shall contain, but not be limited to the following information:
 - (i) Date of immobilization or towing and date of impoundment.
 - (ii) Location of the vehicle.
 - (iii) That the vehicle was immobilized under this section of this Article for nonpayment of fines or penalties assessed for the violation of five or more violations of vehicular standing, parking, or compliance regulations for which the registered owner has been determined liable and notified of impending immobilization or towing and impoundment.
 - (iv) Date of notice of impending immobilization or towing and impoundment.
 - (v) That the registered owner may contest the validity of the immobilization or towing and impoundment by completing and signing the request for hearing portion of the notice and filing the request for hearing with the traffic compliance administrator within, but not later than, 14 days of the date of the notice which shall be deemed filed upon receipt by the traffic compliance administrator.
 - (2) Upon the receipt of the request for hearing to contest the validity of the immobilization or towing and impoundment, the traffic compliance administrator shall schedule an administrative hearing to contest the validity of the immobilization or towing and impoundment on the next available hearing date or if sooner scheduled by the traffic compliance administrator for good cause shown, but in no case shall the hearing be scheduled later than sixty (60) days after the request for a hearing is filed.
 - (i) The traffic compliance administrator shall serve notice of the hearing date upon the registered owner.

- (ii) Notice shall be sent by first class United States mail, postage prepaid to the address as is set forth on the request for hearing.
- (iii) Service of the notice shall be complete on the date it is placed in the United States mail.
- (3) An order entered after the hearing to contest the validity of the immobilization or towing and impoundment is a final administrative decision within the meaning of 735 ILCS 5/3-101, et. seq., incorporated herein by reference.
- (c) A vehicle impounded pursuant to this section shall be released to the registered owner thereof, or his agent, upon payment of the fines and penalties due and owing the Village as specified in the notice sent in accordance with subsection (a)(3) of this section and the payment of towing charges and accrued daily impound charges or upon order of the hearing officer following hearing contesting the validity of the impoundment.
- (d) The Village shall appoint or retain the services of an individual agency or company to tow and impound vehicles in accordance herewith, provided that:
 - (1) The individual, agency or company is fully licensed according to state and local law.
 - (2) The individual, agency or company is fully insured.
 - (3) The individual, agency or company has available a secured impound area within which to retain vehicles impounded hereunder. For the purpose of this section "a secured area" shall mean an area bounded by a fence, chainlink or otherwise, of a sufficient height and with locking gates so as to minimize or prevent unauthorized entry into the impounded vehicles.

Section 18-230. Judicial Review. Judicial review of final determinations of vehicular standing, parking, or compliance regulation violations and final administrative decisions issued after hearings regarding vehicle immobilization or towing and impoundment made under this Article shall be subject to the provisions of the Administrative Review Law as is set forth in 735 ILCS 5/301 et seq., incorporated herein by reference.

Section 18-231. Debt to Municipality. Any fine, penalty or part of any fine or any penalty assessed in accordance with the provisions of this Article and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Article and the conclusion of any judicial review procedures shall be a debt due and owing the Village and, as such, may be collected in accordance with the applicable law. Payment in full of any fine or penalty resulting from a standing, parking, or compliance violation shall constitute a final disposition of that violation.

Section 18-232. Judgment.

- (a) The traffic compliance administrator shall, following the expiration of the period within which administrative or judicial review may be sought for a final determination of violation, take all necessary actions, execute all required documents and appoint or retain any individual or agency deemed appropriate to obtain a judgment against and collect moneys from the persons who have been assessed fines or penalties which remain unpaid and have become a debt due

and owing the village in accordance with the provisions of this article and 625 ILCS 5/11-208.3 by:

- (1) Filing a complaint in the circuit court praying for the entry of a judgment against the person for whom a final determination of standing, parking, or compliance regulation violation liability has been made.
 - (2) The complaint filed by the traffic compliance administrator or individual or agency on behalf of the village seeking entry of a judgment against an individual for unpaid fines and/or penalties pursuant to a final determination of standing, parking, or compliance regulation violation shall have appended:
 - (i) A certified copy of the final determination of the standing, parking or compliance regulation violation.
 - (ii) A certification that recites facts sufficient to show that the final determination of standing, parking, or compliance regulation violation was issued in accordance with this article and 625 ILCS 5/11-208.3.
 - (3) Nothing shall prevent the Village from consolidating multiple final determinations of standing, parking, or compliance regulation violation liability in an action in the circuit court against the individual.
 - (4) Pursuing all available remedies, allowed by law, to collect money judgments.
- (b) Service of summons and a copy of the complaint may be served upon the person against whom a judgment is sought under the provisions of this article by any method provided under 735 ILCS 5/2-203, incorporated by reference, or by certified mail, return receipt requested, provided the total amount of fines and penalties for final determination of standing, parking, or compliance regulation violations does not exceed \$2,500.00.

Sections 18-233---18-240. Reserved.

Section 3. Declaration of Existing Law and Policy. This Ordinance is declarative of existing law and policy.

Section 4. Severability. If any section, clause, paragraph, provision or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all parts valid parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 5. Conflict with other ordinances or laws; savings clause. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict; provided however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village prior to the effective date of this Ordinance.

Section 6. Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 7. Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 27th day of March, 2014, by the following roll call vote:

VOTING AYE:

Trustee Yolanda Williams-Corner	Trustee Michael Smith
Trustee Yvonne Davis	Trustee Fitzgerald Roberts
Trustee Juditha Smith	Trustee IRA J. Rulark

VOTING NAY:

N/A	

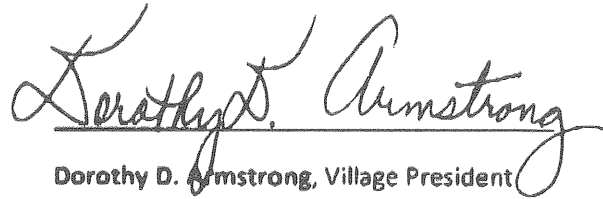
ABSENT:

N/A	

ABSTENTIONS:

N/A	

APPROVED this 27th day of March, 2014.


Dorothy D. Armstrong, Village President

ATTEST:



Juanita Darden, Village Clerk

ORDINANCE NO. 14-DO-08

**AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS, RE-AFFIRMING AND
RATIFYING EXISTING STATUTORY NON-HOME RULE POWERS BY AMENDING CHAPTER 2,
ADMINISTRATION, OF THE DIXMOOR CODE OF ORDINANCES SO AS TO ADD NEW ARTICLES RELATIVE
TO THE ADMINISTRATIVE ADJUDICATION OF MUNICIPAL CODE VIOLATIONS AND OF MUNICIPAL
BUILDING CODE VIOLATIONS**

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non-home rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, Section 1-2.2-10 of the Illinois Municipal Code (65 ILCS 5/1-2.2-10) authorizes the administrative adjudication of municipal code violations by non-home rule municipalities who have adopted Division 2.2 of Article 1 (65 ILCS 5/1-2.2-1, et. seq.), with the exception of (i) building code violations that must be adjudicated pursuant to Division 31.1 of Article 11 of the Municipal Code and (ii) any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code; and

WHEREAS, the Corporate Authorities of the Village of Dixmoor desire to affirm and ratify existing statutory non-home rule powers granted to them under Division 2.2 of Article 1 of the Illinois Municipal Code (65 ILCS 5/1-2.2-1, et. seq.); and

WHEREAS, the Village President and the Board of Trustees of the Village of Dixmoor deem it to be in the best interests of the Village to declare and clarify its existing statutory non-home rule powers pursuant to 65 ILCS 5/1-2.2-1, et. seq. relative to its provision for the expeditious prosecution and correction of municipal code violations in the manner set forth in Division 2.2 of Article 1 and its establishment of a code hearing department within an existing code enforcement agency or as a separate and independent agency in the municipal government for this function; and

WHEREAS, Section 11-31.1-2 of the Illinois Municipal Code (65 ILCS 5/11-31.1-2) authorizes the administrative adjudication of municipal building code violations by municipalities who have adopted Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1, et. seq.); and

WHEREAS, the Corporate Authorities of the Village of Dixmoor desire to affirm and ratify existing statutory non-home rule powers granted to them under Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1, et. seq.); and

WHEREAS, the Village President and the Board of Trustees of the Village of Dixmoor deem it to be in the best interests of the Village to declare and clarify its existing statutory non-home rule powers pursuant to 65 ILCS 5/11-31.1-1, et. seq. relative to its provision for the expeditious prosecution and correction of municipal building code violations in the manner set forth in Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1, et. seq.) and its establishment of a code hearing department within an existing code enforcement agency or as a separate and independent agency in the municipal government for this function;

NOW, THEREFORE, BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment to Chapter 2, Administration, to Add a New Article Relative to a System of Administrative Adjudication of Municipal Code Violations. Chapter 2, Administration, is hereby amended by adding a new Article X, entitled Administrative Adjudication of Municipal Code Violations, thereto to read as follows:

Article X: Administrative Adjudication of Municipal Code Violations

Section 2-170. Adoption. The Village of Dixmoor hereby adopts Division 2.2 of Article 1 of the Illinois Municipal Code (65 ILCS 5/1-2.2-1, et seq.), in its current form and as it may be amended from time to time for the administrative adjudication of municipal code violations.

Section 2-171. Definitions. As used in this article, unless the context requires otherwise:

- (a) *“Code”* means any municipal ordinance except for: (i) building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as may be amended from time to time; and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.
- (b) *“Hearing Officer”* means a municipal employee or an officer or agent of the village, other than a law enforcement officer, whose duty it is to:
 - (1) Preside at an administrative hearing called to determine whether or not a code violation exists;
 - (2) Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;
 - (3) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
 - (4) Issue and sign a written finding, decision, and order stating whether a code violation exists.

Section 2-172. Code Hearing Department

- (a) There is hereby established a Code Hearing Department in the Village of Dixmoor Municipal Government. The function of the Code Hearing Department is to expedite the prosecution and correction of municipal code violations in the manner set forth in this Article and Division 2.2 of Article 1 (65 ILCS 5/1-2.2-1, et seq.).
- (b) The Code Hearing Department may adjudicate any violation of a municipal ordinance except for: (i) building code violations that must be adjudicated pursuant to Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1, et seq.) in its current form and as amended from time to time; and (ii) any offense under the Illinois Vehicle Code or similar offense that is a

traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

Section 2-173. Hearing Procedures Not Exclusive.

This Article does not preclude the village from using other methods to enforce the provisions of its Code.

Section 2-174. Instituting Code Hearing Proceedings.

- (a) When a police officer or other individual authorized to issue a municipal code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates:
 - (1) The name and address of the defendant;
 - (2) The type and nature of the violation;
 - (3) The date and time the violation was observed; and
 - (4) The names of the witnesses of the violation.
- (b) The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30, nor more than 40 days after the violation is reported. However, if the code violation involves a municipal ordinance regulating truants, the hearing date shall be not less than 7 nor more than 40 days after the violation is reported.
- (c) One copy of the violation report shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the Village in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.
- (d) The report form and/or summons served upon the defendant may also provide that the defendant's appearance at the hearing shall not be required upon the payment of a \$75.00 fine prior to the hearing. Prepayment of any fine shall constitute an admission of liability to the code violation alleged.

Section 2-175. Subpoenas; defaults.

At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the date set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

Section 2-176. Continuances; representation at Code Hearings.

- (a) No continuances shall be authorized by the hearing officer in proceedings under this article except in cases where a continuance is absolutely necessary to protect the rights of the defendant.

- (b) Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Article shall not exceed 25 days. The case for the Village may be presented by an attorney designated by the Village or by any other municipal employee, except that the case for the Village shall not be presented by any employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, his or her attorney, or any other agent or representative of the defendant.

Section 2-177. Hearing; evidence.

At the hearing a hearing officer shall preside, shall hear testimony, and shall accept any evidence relevant to the existence or nonexistence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Article.

Section 2-178. Qualifications of Hearing Officers.

- (a) Prior to conducting proceedings under this article, hearing officers shall successfully complete a formal training program that includes the following:
- (1) Introduction on the rules of procedure of the hearing that they will conduct;
 - (2) Orientation to each subject area of the code violations that they will administer;
 - (3) Observation of administrative hearings; and
 - (4) Participation in hypothetical cases, including rules on evidence and issuing final orders.
- (b) In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Prior to conducting proceedings under this Article, a hearing officer shall submit adequate proof to the Village that he or she is covered by legal malpractice insurance with policy limits reasonably acceptable to the Village. Hearing officers shall maintain such coverage at all times while conducting proceedings under this Article.

Section 2-179. Findings, decision and order.

- (a) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include:
- (1) The hearing officer's findings of fact;
 - (2) A decision of whether or not a code violation exists based upon the findings of fact; and
 - (3) An order that states the sanction or dismisses the case if a violation is not proved.
- (b) A monetary sanction for a violation under this Article shall not exceed the amount provided for in 65 ILCS 5/1-2-1, in its current form and as amended from time to time. A copy of the findings, decision, and order shall be served on the defendant within five (5) days after it is issued. Service shall be in the same manner that the report form and summons are served under Section 2-174 of this Article. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as herein set forth.

Section 2-180. Review Under Administrative Review Law.

The findings, decision and order of the hearing officer shall be subject to review in the Cook County Circuit Court. The provisions of the Administrative Review Law and the rules adopted pursuant thereto,

shall apply to and govern every action for the judicial review of the findings, decisions, and order of a hearing officer under this Article.

Section 2-181. Judgment on Findings, Decision, and Order.

- (a) A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village and, as such, may be collected in accordance 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 Village may commence a proceeding in the Cook County Circuit Court, for purpose of obtaining a judgment of findings, decision and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village 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 the applicable municipal ordinances. Service of the summons and a copy of the petition may be by any method provided for by Section 2-203 of the Illinois Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanction, and costs imposed by the findings, decision and order does not exceed \$2,500.00. If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this Article and the applicable municipal ordinance and that the defendant had an opportunity for a hearing under this Article and for judicial review as provided in this Article:
 - (1) The court shall render judgment in favor of the Village and against the defendant for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money;
 - (2) The court may also issue any other orders and injunctions that are requested by the Village to enforce the order of the hearing officer to correct a code violation.

Section 2-182. Petition to Vacate Default Order – Fee.

After entry of an order finding the defendant in default and liable pursuant to Section 2-175 of this Article, the hearing officer shall not entertain a request to vacate said default unless the defendant first pays a \$50.00 administrative fee to the Village. Said administrative fee shall be due when the defendant files a request to return the matter to the administrative hearing call.

Sections 2-183---2-189. Reserved.

Section 3. Amendment of Chapter 2, Administration, to Add a New Article Relative to a System of Administrative Adjudication of Building Code Violations. Chapter 2, Administration, is hereby amended by adding a new Article XI, entitled Administrative Adjudication of Building Code Violations, thereto to read as follows:

Article XI: Administrative Adjudication of Building Code Violations.

Section 2-190. Adoption of State Statute.

The Village of Dixmoor hereby adopts is Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1, et seq.) as it may be amended from time to time and as allowed by said statute.

Section 2-191. Definitions.

As used in this Article, unless the context requires otherwise:

- (a) *"Building Inspector"* means a full-time or part-time Village employee whose duties include the inspection or examination of structures or property in the village to determine if zoning or other code violation exist.
- (b) *"Code"* means any Village ordinance, law, housing, building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation, property maintenance or other health and safety standards that are applicable to structures in the Village of Dixmoor;
- (c) *"Hearing Officer"* a Village employee or an officer or agent of the Village, other than a building inspector or law enforcement officer, whose duty it is to:
 - (1) Preside at an administrative hearing called to determine whether or not a code violation exists;
 - (2) Hear testimony and accept evidence from the building inspector, the building owner and all interested parties relevant to the existence of a code violation;
 - (3) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - (4) Issue and sign a written finding, decision and order stating whether a code violation exists.
- (d) *"Property owner"* means the legal or beneficial owner of a structure.

Section 2-192. Code Hearing Department.

- (a) There is hereby established a Building Code Hearing Department in the Village of Dixmoor Municipal Government. The function of the Building Code Hearing Department is to expedite the prosecution and correction of code violations in the manner set out in this Article and 65 ILCS 5/11-31.1, et. seq.
- (b) The Building Code Hearing Department may adjudicate any violation of a municipal ordinance law, housing, or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation, other health and safety standards that are applicable to structures in the Village or any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from the private property.

Section 2-193. Code Hearing Procedure.

- (a) When a building inspector or official finds a code violation while inspecting a structure or property, he or she shall note the violation on a multiple copy violation notice and report form,

indicating the name and address of the property owner, a citation to the specific code provision or provisions alleged to have been violated, a description of the circumstances present that constitute the alleged violation, the date and time the violation was observed, the names of witnesses to the violation, and the address of the property where the violation is observed. A copy of the violation notice and report form may be handed directly to the property owner if present.

- (b) The violation report form shall be forwarded by the building inspector to the code hearing department where a docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 days, nor more than 40 days after the violation is reported by the building inspector.
- (c) One copy of the violation report form shall be maintained in the files of the code hearing department and shall be part of the record of hearing, one copy of the report form shall be returned to the building inspector so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail on the property owner along with a summons commanding the property owner to appear at the hearing. If the name of the property owner of the structure cannot be ascertained or if service on the property owner cannot be made by mail, service may be made on the property owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.

Section 2-194. Subpoenas; Defaults.

- (a) 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 village, or the property owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing.
- (b) If on the date set for hearing the property owner or his attorney fails to appear, the hearing officer may find the property owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

Section 2-195. Continuances and Representation at Code Hearings.

No continuances shall be authorized by the hearing officer in proceedings under this Article except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Article shall not exceed 25 days. The case for the Village may be presented by the building inspector, by any other village employee or by an attorney designated by the Village. However, in no event shall the case for the Village be presented by an employee of the code hearing department. The case for the property owner may be presented by the owner, his attorney, or any other agent or representative.

Section 2-196. Evidence at Hearing.

At the hearing, a hearing officer shall preside and shall hear testimony and accept any evidence relevant to the existence or non-existence of a code violation relating to a property or structure indicated. The

strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Article.

Section 2-197. Retaliatory Action Against Occupants Prohibited.

No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

Section 2-198. Defenses to Code Violations.

It shall be a defense to a code violation charge under this Article if the property owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:

- (a) The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;
- (b) The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the property owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations;
- (c) An occupant or resident of the dwelling has refused entry to the property owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.

Section 2-199. Findings, Decision and Order.

- (a) 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 findings, decision and order. 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 findings of facts, and an order ordering the property owner to correct the violation or dismissing the case in the event a violation is not proved.
- (b) If a code violation is proved, the order may also impose the sanctions that are provided in the Code for the violation proved. A copy of the findings, decision and order shall be served on the property owner within five (5) days after they are issued; service shall be in the same manner as the report form and summons are served pursuant to section 2-193 of this Article. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the Code, unless the corporate authorities adopting this Article provide otherwise.

Section 2-200. Fines.

Whosoever violates or fails to comply with any of the provisions of this Article and who, pursuant to the findings, decision and order of the hearing officer, is found to be guilty of an offense shall be fined not less than \$75.00, nor more than \$750.00. Violations of any stop-work order issued by the building inspector are set at a minimum fine of not less than \$250.00, nor more than \$750.00; violations of occupancy of a structure without an occupancy permit are set at a minimum fine of not less than \$250.00, nor more than \$750.00.

Section 2-201. Review Under Administrative Review Law.

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

Section 2-202. Disposition of Violations.

- (a) Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owing the Village and, as such, may be collected in accordance with applicable law.
- (b) After expiration of the period within judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the Village may commence a proceeding in the Cook County Circuit Court for purposes of obtaining a judgment on the findings, decision and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the Village 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 municipal ordinance. 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 \$2,500.00.
- (c) If the court is satisfied that the findings, decision, and order were entered in accordance with the requirements of this Article and applicable municipal ordinance(s), and that the property owner had an opportunity for a hearing under this Article and for judicial review as provided in this Article:
 - (1) The Court shall render judgment in favor of the Village and against the property owner for the amount indicated in the findings, decision, and order, plus costs. Such judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.
 - (2) The court may also issue such other orders and injunctions as are requested by the municipality to enforce the order of the hearing officer to correct a code violation.

Section 2-203. Sanctions Applicable to Owner and Property.

The order to correct a code violation and the sanctions imposed by the Village as the result of a finding of a code violation under this Article shall attach to the property as well as to the property owner so that a finding of a code violation against one 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 this Article.

Section 2-204. Petition to Vacate Default Order – Fee.

After entry of an order finding the defendant in default and liable pursuant to Section 2-194 of this Article, the hearing officer shall not entertain a request to vacate said default unless the defendant first

pays a \$50.00 administrative fee to the Village. Said administrative fee shall be due when the defendant files a request to return the matter to the administrative hearing call.

Sections 2-205—2-209. Reserved.

Section 4. Declaration of Existing Law and Policy. This Ordinance is declarative of existing law and policy.

Section 5. Severability. If any section, clause, paragraph, provision or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all parts valid that severable from the invalid part or parts shall remain in full force and effect.

Section 6. Conflict with other ordinances or laws; savings clause. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict; provided however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village prior to the effective date of this Ordinance.

Section 7. Publication. The Village Clerk be and is directed to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 8. Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED this 27th day of March, 2014, by the following roll call vote:

VOTING AYE:

Trustee Yvonne Davis
Trustee Michael Smith
Trustee IRA Pollock

Trustee Yolanda Williams-Correa
Trustee Juditha Smith
Trustee Fitzgerald Robens

VOTING NAY:

N/A

ABSENT:

N/A

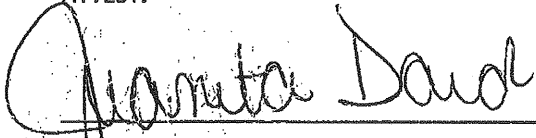
ABSENTIONS:

N/A

APPROVED this 27th day of March, 2014.

Dorothy D. Armstrong, Village President

ATTEST:



Juanita Darden, Village Clerk

ORDINANCE NO. 14-DO-09

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS, RE-AFFIRMING AND RATIFYING EXISTING STATUTORY NON-HOME RULE POWERS BY AMENDING SECTION 25-81, ENTITLED WHEN RATES, ETC. ARE DUE; LATE PAYMENT PENALTY OF CHAPTER 25, ENTITLED WATER, SEWERS AND SEWAGE DISPOSAL OF THE DIXMOOR CODE OF ORDINANCES

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and

WHEREAS, pursuant to Section 11-139-8 of the Illinois Municipal Code (65 ILCS 5/11-139-8), the Corporate Authorities of any municipality maintaining and operating a combined waterworks and sewerage system may charge the inhabitants thereof a reasonable charge for the use and service thereof, and establish, revise, and maintain rates for that purpose by ordinance, which shall become payable as the Corporate Authorities determine by ordinance; and

WHEREAS, the Village President and Board of Trustees of the Village of Dixmoor desire to affirm and ratify existing statutory non-home rule powers granted to them under Section 11-139-8 of the Illinois Municipal Code (65 ILCS 5/11-139-8); and

WHEREAS, the Village President and Board of Trustees of the Village of Dixmoor deem it to be in the best interests of the Village to declare and clarify its existing statutory non-home rule powers pursuant to Section 11-139-8 of the Illinois Municipal Code by amending Chapter 25, Section 25-81 of the Dixmoor Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Amendment of Chapter 25, Section 25-81. Section 25-81, entitled When Rate, Etc. Are Due; Late Payment Penalty, of Chapter 25, entitled Water, Sewers and Sewage Disposal is hereby amended by deleting said section in its entirety and replacing said section with the following:

Section 25-81. When Rates, Etc. Are Due; Late Payment Penalty; Lien For Charges.

- (a) The property owner, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the Village water and/or sewerage service on such premises and the service is furnished to the premises by the Village only upon the condition that the property owner, occupant and user of the service are jointly and severally liable therefor to the Village. Bills shall be rendered monthly, for the preceding month, whether for residential, multi-residential, commercial or industrial accounts, and shall be payable within ten (10) business days after the date thereof. A ten percent (10%) late payment penalty shall be added to all bills not timely paid.

(b) If the charges for water services are not paid when due, such charges shall be deemed delinquent, and thereafter, such delinquencies shall constitute liens upon the real estate for which such services are supplied. Notice to the property owner shall be sent in accordance with 65 ILCS 5/11-139-8, that such delinquency exists and that the unpaid charges may create a lien on the real property upon or which water services is supplied. The Village Clerk shall file sworn statements showing such delinquencies in the Office of the Recorder of Deeds, Cook County, Illinois, and the filing of such statements shall be deemed notice of such charges for such service. Every lien recorded pursuant to this section shall include an additional \$50.00 charge to recover the costs extended by the Village in preparing said lien, plus the actual recording cost as determined by the Cook County Recorder of Deeds.

Section 3. Declarative of Existing Law and Policy. This ordinance is declarative of existing law and policy.

Section 4. Severability. In the event any section, clause, paragraph, provision or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid part or parts shall remain in full force and effect.

Section 5. Conflict with other ordinances or laws; savings clause. All Ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict; provided however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village prior to the effective date of this Ordinance.

Section 6. Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois this 27th day of March, 2014, by the following roll call vote:

VOTING AYE:

_____	_____
_____	_____
_____	_____

VOTING NAY:

_____	_____
_____	_____

ABSENT:

_____	_____
_____	_____

APPROVED by the Village President of the Village of Dixmoor, Cook County, Illinois
this 27th day of March, 2014.

Dorothy D. Armstrong, Village President

ATTEST:

Juanita Darden, Village Clerk

ORDINANCE NO. 14-DO-

AN ORDINANCE OF THE VILLAGE OF DIXMOOR, COOK COUNTY, ILLINOIS, AUTHORIZING THE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY

WHEREAS, the Village of Dixmoor, Cook County, Illinois (hereinafter, the "Village") is a duly organized and validly existing non home-rule municipal corporation created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State of Illinois;

WHEREAS, Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4) provides that whenever a city or village with a population of less than 500,000 owns any personal property which in the opinion of a simple majority of the Corporate Authorities is no longer necessary or useful to, or for the best interests of the city or village, such a majority of the Corporate Authorities, at any regular meeting or at any special meeting called for that purpose, may, by ordinance, authorize the sale of that personal property in such manner as they may designate, with or without advertising the sale.

WHEREAS, in the opinion of at least a simple majority of the Corporate Authorities of the Village of Dixmoor, it is no longer necessary or useful to or for the best interest of the Village of Dixmoor, to retain ownership of the personal property now owned by it and described in "**EXHIBIT A**" attached to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals are hereby incorporated into this Ordinance as the findings of the President and Board of Trustees.

Section 2. Personal Property No Longer Necessary or Useful to the Village. Pursuant to Section 11-76-4 of the Illinois Municipal Code (65 ILCS 5/11-76-4), the Corporate Authorities find that the personal property listed and described in **EXHIBIT A** attached to this Ordinance and by this reference incorporated into this Ordinance is no longer necessary or useful to the Village and thus the best interest of the Village will be served by the sale of said personal property.

Section 3. Authorized Sale of Personal Property. The Village President or her duly authorized designee is authorized to sell the property listed and described in Exhibit A for fair market value through an open market process which may include online advertising or for a reasonable auction price via the internet "Public Auction" website to the highest bidder on said property and in the manner most appropriate to the Village. The Village President or her designee is authorized and directed to convey the aforesaid personal property to the buyer(s) or successful bidder(s) upon payment of the fair market value or auction price. If there are no interested buyers or successful bidders for any property item listed in Exhibit A, that item may be recycled or otherwise disposed of lawfully and in the manner most appropriate to the Village.

Section 4. Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 5. Conflict with other ordinances or laws. All ordinances, resolutions, or motions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Publication. The Village Clerk of the Village of Dixmoor be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of Illinois.

Section 7. Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

Adopted by the Village President and Board of Trustees of the Village of Dixmoor, Cook County, Illinois this 27th day of March, 2014 by the following roll call vote:

VOTING AYE:

_____	_____
_____	_____
_____	_____

VOTING NAY:

_____	_____
_____	_____

ABSENT/ABSTENSIONS:

_____	_____
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APPROVED by the Village President of the Village of Dixmoor, Cook County, Illinois this 27th day of March, 2014.

Dorothy D. Armstrong, Village President

ATTEST:

Juanita Darden, Village Clerk

EXHIBIT A

Personal Property: 1992 Spartan Leverne Engine, E-2443, VIN # 4S7CT9K007284, together with the following fire equipment and/or supplies:

- (1) Door opener
- (4) Walkies
- (9) Spare walkie batteries
- (1) Key ring
- (2) Pick head axes
- (4) Drywall hooks
- (2) Light Boxes
- (2) Halligan tools
- (3) Air packs
- (1) Thermal imaging camera
- (1) Thermal imaging camera charger
- (1) Charger, mounted
- (1) Spot light
- (2) Act charges
- (3) Spare T.I.C. batteries
- (3) Voice amplifiers
- (1) Elevator key
- (2) Blood borne pathogen kits
- (1) Fire scene tape reel
- (1) Pelican case
- (1) Gas trac
- (1) Co-detector
- (1) Binoculars
- (1) Command bag
- (1) Deck gun (stream shaper, 2", 1-3/4", 1-1/2", 1-3/8" tips), fog nozzle, and deck gun base
- (2) 200' 1-3/4" hand lines
- (7) Nozzles, 1", 1-1/2", 2-1/2", cellar, 1-1/2" fog, 2-1/2" smooth bore
- (8) Storz spanners
- (4) 2-1/2"-1-1/2" reducers
- (1) 2-1/2"-1" reducer
- (2) 30 degree elbows
- (4) Hoses, 100' 1", 200' 3", 200' 2-1/2"
- (2) Gate valves, 5", 2-1/2"
- (3) 2-1/2" double male
- (4) 2-1/2" double female
- (2) 1-1/4", 1-1/8", 1" tips
- (1) Foam jet tip and eductor
- (2) 2-1/2" spanners
- (5) Hose tools w/2 hose jackets, extra hose, & hose clamp
- (2) Wheel chocks
- (2) 5" pony
- (1) 5"-2-1/2" female
- (1) Battering ram
- (1) Ambu kit
- (1) Rope bag
- (1) Rabbit tool & cutter
- (2) Pry bars
- (1) Crow bar

- (1) Fire max tool
- (1) Pad lock breaker
- (1) Sledge hammer (cab)
- (2) Flat head axes
- (1) 4' pike pole
- (1) New York tool
- (2) Cutters (1 bolt)
- (2) Rescue blanket
- (6) Spare bottles
- (3) Extinguishers (water, chemical & CO2)
- (1) Pump can
- (1) Generator to land line cord
- (2) K-saws (K-950 & K-1200) & (4) spare K-12 blades
- (1) Mixed gas can
- (1) Tool box
- (1) Oil dry, 5-gallons
- (1) Bio solve, 5-gallons
- (2) Funnels; assorted hydrant OOS tags
- (2) Tripod stands
- (4) 500-watt lights
- (1) 200' cord reel w/junction box
- (3) Pigtails (3rd district, , IMH, 110 to twist)
- (1) Smoke ejector
- (4) Extension cords (50' twist lock, 2' twist lock)
- (1) Trash hook
- (3) Pike poles (6', 8', 10') w 6' Pike pole D handle
- (2) Ladders (10' attic, 14' roof) w/24' extension
- (5) 3% foam, 5 gallons
- (3) 6000 psi bottles
- (1) B-Box key
- (1) Crash kit
- (1) Secure net
- (2) Saws, all, all-extension
- (1) Plain gas can
- (1) Ram brace
- (4) Hydraulic hose reels
- (1) Holmatro power unit
- (1) Cutters
- (1) Spreaders
- (1) Ram
- (3) Salvage tarps
- (2) Scoop shovels
- (2) Brooms, Fire & Push
- (1) High-rise pack
- (1) Assort cribbing
- (7) Air bags
- (1) Case w/air bag manifold & hose
- (3) Traffic cones
- (4) Storz, 4", 4-1/2", 5" 2-1/2"-30 degree elbow
- (1) Rubber mallet
- (1) Hydrant wrench w/extension
- (1) Hose roller
- (1) Street hydrant
- (1) Locking hydrant wrench w/extension

THE VILLAGE OF DIXMOOR
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER 14-10-11

**AN ORDINANCE AMENDING SECTION 2-14 OF THE VILLAGE CODE
REGARDING APPOINTMENTS FOR THE VILLAGE OF DIXMOOR, COUNTY
OF COOK, STATE OF ILLINOIS**

**Dorothy D. Armstrong, Village President
Juanita Darden, Village Clerk
Fitzgerald Roberts, Trustee
Ira Rolark, Trustee
Judnita Smith, Trustee
Michael Smith, Trustee
Yolanda Williams-Corner, Trustee
Yvonne Davis, Trustee**

**VILLAGE OF DIXMOOR
COOK COUNTY, ILLINOIS**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 2-14 OF THE VILLAGE CODE
REGARDING APPOINTMENTS FOR THE VILLAGE OF DIXMOOR, COUNTY
OF COOK, STATE OF ILLINOIS**

WHEREAS, the Village of Dixmoor, County of Cook, State of Illinois (the "Village") is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, previously, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to adopting employment policies necessary to ensure the efficient operation of the Village; and

WHEREAS, Section 10-4-1 of the Illinois Municipal Code (65 ILCS 5/10-4-1) provides that the corporate authorities of any municipality may provide by ordinance in regard to the relation between all municipal officers and employees in respect to each other, the municipality, and the people; and

WHEREAS, currently, Section 2-14 of the Village Code provides that all employees shall, in the absence of any provision to the contrary, be appointed or selected by the department heads subject to approval by the President and Village Board; and

WHEREAS, Section 2-14 of the Village Code is silent as to the authority to remove an employee; and

WHEREAS, in order to ensure that the Corporate Authorities are informed as to personnel changes, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village and its residents to clarify that the department heads may remove an employee subject to the advice and consent of the President and Village Board; and

WHEREAS, in connection with the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village and its residents to amend Section 2-14 of the Village Code as set forth herein; and

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Dixmoor, County of Cook, State of Illinois, as follows:

SECTION ONE. Incorporation Clause. The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true, and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION TWO. Purpose. The purpose of this Ordinance is to amend Section 2-14 of the Village Code to clarify that the department heads may remove an employee subject to the advice and consent of the Corporate Authorities and to authorize and direct the President or her designee to take all action necessary in conformity therewith.

SECTION THREE. Amendment to Section 2-14. That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Section 2-14, as follows:

All officers of the village, other than elective officers, shall be appointed by the village president with the advice and consent of the village board of trustees as

provided by state law. All employees shall, in the absence of any provision to the contrary, be appointed, ~~or selected,~~ or removed by the department heads subject to approval by the village president and board of trustees.

SECTION FOUR. Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION FIVE. Superseder. Any ordinance or portion of any ordinance in conflict with any provisions of this Ordinance is hereby repealed solely to the extent of such conflict.

SECTION SIX. Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form or as otherwise provided by applicable law.

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ADOPTED this 24th day of April, 2014, pursuant to a roll call vote as

follows:

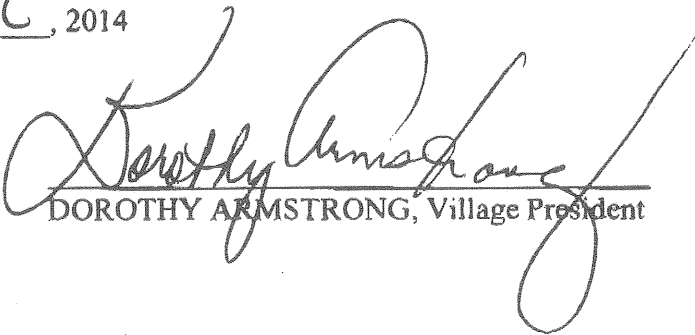
Ayes: Trustee Yolanda Williams, CORNER, Trustee Yvonne Davis
Trustee Juditha Smith, Trustee Michael Smith, Trustee Fitzgerald Robert

Nays: N/A Trustee IRA Polack

Absent: N/A

Present:

APPROVED on 24th April, 2014


DOROTHY ARMSTRONG, Village President

ATTEST:


JUANITA DARDEN, Village Clerk