

CITY OF AURORA, ILLINOIS
ORDINANCE NO. _____
DATE OF PASSAGE _____

**AN ORDINANCE CREATING ARTICLE XII OF CHAPTER 12 OF
THE CITY OF AURORA CODE OF ORDINANCES
ENTITLED “ADMINISTRATIVE CITATIONS”**

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

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

WHEREAS, the City finds that the implementation of an Administrative Citation Program would serve an important public purpose in protecting the public health, safety and welfare of the residents of the City of Aurora by gaining compliance with certain regulations in a timely and efficient manner.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Aurora, in the counties of Kane, DuPage, Kendall and Will, Illinois, as follows:

SECTION ONE: That Chapter 12 is hereby amended by adding a new Article XII entitled “Administrative Citations” thereto, which shall read in its entirety as follows:

ARTICLE XII. – ADMINISTRATIVE CITATIONS

Sec. 12-600. Definitions.

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

Administrative Citation shall mean an official notification of a violation of a provision within Chapter 12 of the Aurora Code of Ordinances. Said citations shall require correction of the

violation and impose a fine.

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

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

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

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

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

Sec. 12-601. Alternative method of enforcement.

An administrative citation issued pursuant to this article is one method of enforcing the ordinances contained within Chapter 12 and is intended to be in addition to any and all other legal or equitable remedies available to the city for such ordinance violations.

Sec. 12-602. Authority to issue administrative citations.

The following city personnel are deemed enforcement officers for purposes of this article and are authorized to issue administrative citations for ordinance violations:

- (1) Neighborhood Standards director or designees;
- (2) Property maintenance compliance officer;
- (3) Director of Building and Permits or designees;
- (4) Zoning Administrator or designees;
- (5) Zoning inspection officer;
- (6) Development Services director or designees.

Sec. 12-603. Issuance of administrative citation.

- (a) Any responsible person allowing, causing, committing, continuing to permit or maintain a

violation pertaining to any property maintenance, zoning, building, plumbing, electrical or other similar matters regulated within Chapter 12 may be issued an administration citation.

(b) Each administrative citation shall contain the following information:

- (1) The date of the violation;
- (2) The address or description of the location where the violation occurred;
- (3) The specific section of the code or ordinance violated and a description of the nature of the violation;
- (4) The amount of the fine for said violation;
- (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
- (6) A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings/fines;
- (7) A description of the administrative hearing process, including the time within which the administrative citation may be contested and the place to which to submit a written request for hearing;
- (8) The name and signature of the citing enforcement officer;
- (9) Other such information as may be deemed necessary from time to time.

Sec. 12-604. Service of administrative citation.

Administrative citations issued pursuant to this article may be served by any one or more of the following methods:

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

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

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

Sec. 12-605. Compliance with administrative citation.

Upon receipt of an administrative citation, the responsible person must immediately do the following:

- (1) Remedy the violation(s) on or before the correction date noted on the administrative citation;
- (2) Schedule an appointment with the enforcement officer to verify violation(s) have been corrected;
- (3) Pay the fine to the city within the allotted time. All fines assessed shall be payable to the "City of Aurora." Payment of the fine will not excuse or discharge the cited violation(s) nor shall it bar further enforcement by the city.

Sec. 12-606. Administrative citation fines; payment.

(a) The administrative citation fine for a first violation shall be as follows:

- i. Junk and Trash - \$100
- ii. Weeds & Grass - \$50
- iii. Inoperable Vehicle - \$100
- iv. Unregistered Vehicle - \$50
- v. Garbage Cart - \$25
- vi. House Numbers - \$100
- vii. Garage Sales - \$50
- viii. RV and Boats - \$50
- ix. Commercial Vehicle - \$100
- x. Carport - \$100
- xi. Improper landscaping - \$250
- xii. Signs in ROW - \$50
- xiii. Storage containers - \$100
- xiv. Garbage & Recycling Service failure - \$100
- xv. ROW violation - \$100
- xvi. Fence - \$50

(b) All fines shall be deemed progressive in nature, and shall increase by fifty percent (50%) for each subsequent violation, provided however, that after twelve (12) months of no violations at a property, then in that event the progressive fine shall be reset to the lower fine amount designated for a violation.

(c) Each and every day that a violation continues after an administrative citation has been issued shall be deemed a separate offense.

(d) Nothing in this article shall be interpreted to mean that payment of the fine shall excuse a responsible person from correcting the violation. If a responsible person pays the fine but the violation(s) are not corrected, the city may pursue any available legal remedy in addition to those

cited herein.

(e) Any responsible person who both fails to correct the violation and pay the fine imposed on or before the due date shall be subject to any available legal remedy the Corporation Counsel may choose to bring. Any fees or costs incurred by the city, including but not limited to, staff costs, hearing costs, attorney costs and/or private collection agent fees shall be charged to all responsible persons involved.

Sec. 12-607. Administrative hearing.

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

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

(c) Except as otherwise stated in the Code of Ordinances, administrative hearing procedures as set forth in Chapter 12, Article VII of the Code of Ordinances shall be followed for all violations and, as such, is incorporated by reference herein.

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

Section 12-608. Administrative review.

(a) The statutory provisions of the Illinois Administrative Review Act, 735 ILCS 5/3-101, *et seq.*, are hereby adopted and incorporated herein. This shall apply to the review of any and all final decisions issued by virtue of the unchallenged citation or by an administrative hearing officer in administrative proceedings held as provided herein.

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

SECTION TWO: That this Ordinance shall be in full force and effect, and shall be controlling immediately after passage and approval.

SECTION THREE: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION FOUR: That any Section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois, on _____.

AYES _____ **NAYS** _____ **ABSENT** _____

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on _____.

Mayor

ATTEST:

City Clerk

Law Department
44 East Downer Place
Aurora, IL 60507
(630) 256-3060