



Legislation Text

File #: 20-0283, **Version:** 3

TO: The Mayor and City Council

FROM: Jessica L. Kalal
Assistant Corporation Counsel

DATE: May 22, 2020

SUBJECT:
Consolidation and reorganization of the City's administrative hearing program

PURPOSE:

To establish a unified framework of rules and procedures for the City's administrative hearings, including provisions allowing the hearings to be conducted remotely in light of the COVID-19 pandemic. Adopting this ordinance will allow for a uniform set of procedures to govern all administrative hearings within the City.

BACKGROUND:

Currently, numerous provisions of the City Code call for administrative hearings as the means for adjudicating alleged violations of the Code. Despite the City's frequent use of administrative hearings, there are currently no uniform procedures or parameters set forth within the Code. Additionally, due to the COVID-19 pandemic, allowing the administrative hearings to be conducted remotely when appropriate will provide for a more streamlined, efficient process that is relevant to the current circumstances. The proposed Chapter 3 includes language that makes remote participation possible.

DISCUSSION:

The proposed new Chapter 3 will provide a specific process for nearly all administrative hearings within the City, however hearings involving licenses or permits issued under Chapter 6, the International Building Code model code prepared by the International Code Council, and the National Electrical Code prepared by the National Fire Protection Association that the city has adopted by reference and locally amended will continue to follow their own procedures.

This will benefit both the public and City staff in that the guidelines for administrative hearings are clear and set forth in the City Code. In addition to setting forth clear procedures and guidelines, Chapter 3 will allow for administrative hearings to be conducted remotely, which not only eases the burden on City staff and respondents, but will function as an additional measure to promote social distancing in light of COVID-19. Notably, the proposed ordinance includes opt-out language for those respondents or parties in administrative hearings who are not able to participate remotely or wish to

request an in-person hearing.

IMPACT STATEMENT:

The impact on the City is positive in that there will be one, streamlined and clear process for administrative hearings. In addition, City time and resources will be saved by allowing City employees who participate in administrative hearings to do so remotely when possible. The impact on City residents is also positive as there will now be a clear system of procedures for administrative hearings, including the ability to participate remotely if possible.

RECOMMENDATIONS:

That the Council approve this ordinance.



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance creating Chapter 3 of the Code of Ordinances pertaining to the Administrative Adjudication of City Ordinance Violations and making corresponding changes to Chapters 1, 8, 12, 13, 17, 25, 27, 29, 32, 41.5, 44 and 46 of the Code.

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, Division 2.1 of Article 1 of the Illinois Municipal Code recognizes the authority of home rule units to provide by ordinance for a system of administrative adjudication of municipal code violations to the extent permitted by the Illinois Constitution; and

WHEREAS, Division 2.1 of Article 1 of the Illinois Municipal Code provides a framework for home rule municipalities to adopt in establishing a system of administrative adjudication; and

WHEREAS, other provisions of Illinois law, including, but not limited to Divisions 3.1 and 19.2 of Article 11 of the Illinois Municipal Code and Section 11-208.3 of the Illinois Vehicle Code provide additional authority for the administrative adjudication of municipal code violation; and

WHEREAS, the City has previously adopted various ordinances providing for a system of administrative adjudication of violations of the Code of Ordinances, City of Aurora ("City Code"); and

WHEREAS, eleven (11) chapters of the City Code contain provisions relating to administrative adjudications; and

WHEREAS, the City Council desires to consolidate these provisions and adopt a standard process that can be used for most hearings conducted by the City's administrative hearings officers as Chapter 3 of the City Code, consistent with the principles of Division 2.1 of Article 1 of the Illinois Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: the City Code shall be and hereby is amended as follows:

That Chapter 3 of the City Code entitled "Administrative Adjudications" is created as set forth in Exhibit A of this Ordinance; and

That Chapter 8 of the City Code entitled "Amusements" is amended as set forth in Exhibit B of this Ordinance; and

That Chapter 12 of the City Code entitled "Buildings and Buildings Regulations" is amended as set forth in Exhibit C of this Ordinance; and

That Chapter 13 of the City Code entitled "Cigarettes, Cigars, Tobacco, Alternative Nicotine or Vapor Products" is amended as set forth in Exhibit D of this Ordinance; and

That Chapter 17 of the City Code entitled "Fire Protection and Prevention" is amended as set forth in Exhibit E of this Ordinance; and

That Chapter 25 of the City Code entitled "Licenses, Permits, and Miscellaneous Business Regulations" is amended as set forth in Exhibit F of this Ordinance; and

That Chapter 27 of the City Code entitled "Motor Vehicles and Traffic" is amended as set forth in Exhibit G of this Ordinance; and

That Chapter 29 of the City Code entitled "Offenses-Miscellaneous" is amended as set forth in Exhibit H of this Ordinance ; and

That Chapter 32 of the City Code entitled "Peddlers and Solicitation" is amended as set forth in Exhibit I of this Ordinance; and

That Chapter 41.5 of the City Code entitled "Special Events" is amended as set forth in Exhibit J of this Ordinance; and

That Chapter 44 of the City Code entitled "Taxation" is amended as set forth in Exhibit K of this Ordinance; and

That Chapter 46 of the City Code entitled "Towing Services" is amended as set forth in Exhibit L of this Ordinance; and

That Chapter 1 of the City Code entitled "General Provisions" is amended as set forth in Exhibit M of this Ordinance; and further

BE IT ORDAINED, that in the event of a conflict between the provisions of Chapter 3 and any other provision of the City Code, the provisions of Chapter 3 shall control as to the general process, and the other provision controlling as to the form, content and manner of notice and the availability of defenses; and further

BE IT ORDAINED, that the adoption of this Ordinance shall not affect any pending administrative proceeding, provided that, at the time the proceeding commenced, the proceeding was commenced in accordance with the provisions of the City Code then in effect; and further

BE IT ORDAINED, that the Clerk is authorized and directed to publish this Ordinance in book or pamphlet form forthwith in the manner provided by Section 1-2-4 of the Illinois Municipal Code;