

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-19-5

AN ORDINANCE SETTING COSTS FOR ADMINISTRATIVE HEARINGS IN THE
VILLAGE OF BRADLEY CODE OF ORDINANCES, BRADLEY ILLINOIS, KANKAKEE
COUNTY, STATE OF ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 22nd DAY OF April, 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 22nd day of April, 2019.

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VILLAGE OF BRADLEY CODE OF ORDINANCES, BRADLEY ILLINOIS,
KANKAKEE COUNTY, STATE OF ILLINOIS**

WHEREAS, the Village President and Board of Trustees of the Village of Bradley have the authority to adopt ordinances and to promulgate rules and regulations that pertain to the Village's government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the corporate authorities may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the Village has previously adopted 65 ILCS 5/1-2.2-1 of the Illinois Municipal Code, authorizing the adjudication any violation of a municipal ordinance except for (i) building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1-1 et seq. 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 Village has previously adopted 65 ILCS 5/11-31.1 of the Illinois Municipal Code as Chapter 10 of the Village Code, authorizing the Village to adjudicate any municipal ordinance, law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in a municipality 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 private property; and

WHEREAS, the operation of the Code Hearing Department results in certain costs that are in addition to fines imposed upon individuals found liable for violations under the Village's ordinances through administrative adjudication; and

WHEREAS, the corporate authorities find that the costs of operating the Code Hearing Department is insufficient at present and have determined it is in the best interest of the Village to increase costs to be imposed upon individuals found liable for ordinance violations in the Code Hearing Department

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS PURSUANT TO ITS STATUTORY AUTHORITY AS FOLLOWS:

SECTION 1. The Village President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.

SECTION 2. That section 2-586 (b) of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

(b) A monetary sanction for a violation under this section shall not exceed the amount provided for in 65 ILCS 5/1-2-1 et seq., as amended. A copy of any finding, decision, or order shall be served on the defendant within five days after it is issued. Service shall be in the same manner that the report form and summons are served pursuant to section 2-582. A monetary sanction for a violation under this subsection shall not exceed penalties provided in section 1-6; however, code hearing department costs shall also be assessed in the amount of \$50.00. Furthermore, a penalty may include, or consist of, a requirement that the defendant perform some reasonable public service work.

SECTION 3. That section 10-360 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

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 may be in writing and may be designated as findings, decision and order. If a code violation is proved, the order may also impose the sanctions that are provided for in this Code and include code hearing department costs in the amount of \$50.00. A copy of any findings, decision, and order shall be served on the defendant within five days after it is issued; service shall be in the same manner as the report form and summons are served pursuant to section 10-353. Payment of any penalty, costs or fine and the disposition of fine money shall be in the same manner as set forth in this Code.

SECTION 4. In the event that any provision or provisions, or portion or portions of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 5. That all ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance shall be and the same is hereby repealed.

SECTION 6. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 7. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 22nd day of April, 2019.

TRUSTEES:

GERALD BALTHAZOR	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
ROBERT REDMOND	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
LORI GADBOIS	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
NICK ALLEN	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>
DONALD BARBER	Aye - <u>✓</u>	Nay - <u> </u>	Absent - <u> </u>

BRUCE ADAMS Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent -

Sorasa M Richard
MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 22nd day of April, 2019.

Bruce W. Adams
BRUCE ADAMS, VILLAGE PRESIDENT



ATTEST:

Sorasa M Richard
MICHAEL J. LAGESSE, VILLAGE CLERK
Deputy

Handwritten signature and text, possibly including the name "W. J. ...".

