Print

Municipal Code of Chicago

CHAPTER 2-14
DEPARTMENT OF ADMINISTRATIVE HEARINGS

Article I. General Provisions

2-14-010 Department of administrative hearings – Establishment and composition.

2-14-030 Powers and duties of the director.

2-14-040 Administrative law officers – Powers and duties.

2-14-050 Administrative law officers – Training requirements.

2-14-060 Rules and regulations – Available for public inspection.

2-14-065 General provisions.

2-14-070 Instituting administrative adjudication proceedings.

2-14-072 Adjudication by mail.

2-14-074 Notice.

2-14-076 Administrative hearings.

2-14-078 Default.

2-14-080 Subpoenas.

2-14-090 Compliance bond.

2-14-100 Violations of orders.

2-14-101 Seized / unclaimed property.

2-14-102 Review under the administrative review law.

2-14-103 Enforcement of administrative law officer's order.

2-14-104 Interest.

2-14-105 Fines payable to the department of finance.

2-14-108 Petition to set aside default order.

2-14-109 Petition by city department for relief from a final order of liability entered in error.

2-14-110 Election of remedies.

2-14-120 Administrative adjudication procedures not exclusive.

2-14-130 Other provisions not limiting.

2-14-132 Impoundment.

2-14-135 Impoundment – Towing and storage fee hearing.

Article II. Vehicle Hearings Division

2-14-140 Vehicle hearings division.

Article III. Buildings Hearings Division

2-14-150 Buildings hearings division.

2-14-151 Definitions.

2-14-152 Service of notice to building owner.

2-14-154 Rights of occupants.

2-14-155 Defenses to building code violations.

2-14-156 Separate hearings on the imposition of fines and other sanctions.

Article IV. Environmental Safety and Consumer Affairs Hearings Division

2-14-160 Environmental safety and consumer affairs hearings division.

Article V. Reserved

Article VI. Municipal Hearings Division

2-14-190 Municipal hearings division – Jurisdiction.

2-14-195 Fine of $10,000.00 or more – Petition for review to the director.

2-14-200 Eviction proceedings.

ARTICLE I. GENERAL PROVISIONS (2-14-010 et seq.)

2-14-010 Department of administrative hearings – Establishment and composition.

There is hereby established an office of the municipal government to be known as the department of administrative hearings which shall be authorized to conduct administrative adjudication proceedings for departments and agencies of the city, and for other units of government acting pursuant to intergovernmental agreements with the city.

The department shall be administered by a director, who shall be appointed by the mayor, subject to approval by the city council, and staffed by administrative law officers and other employees as may be provided for in the annual appropriation ordinance.

The provisions of Division 2.1 of Article 1 of the Illinois Municipal Code are hereby adopted and incorporated into this chapter as if fully set forth herein.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 2-15-12, p. 20496, § 4)

2-14-030 Powers and duties of the director.

The powers and duties of the director of the department of administrative hearings shall include:

(1) directing the department with respect to its management and structure, including the creation or

reorganization of hearing divisions within the department;

(2) appointing and removing administrative law officers, as necessary;

(3) promulgating rules and regulations for the conduct of administrative adjudication proceedings;

(4) monitoring and supervising the work of administrative law officers and, upon receipt of a timely petition for review authorized by the code, reviewing, modifying or reversing their decisions;

(5) establishing a system for hearing of grievances brought by tenants of the Chicago Housing Authority against the authority and/or its property managers, all in accordance with an intergovernmental agreement between the City of Chicago and the Chicago Housing Authority; and

(6) establishing systems for adjudicating matters pursuant to intergovernmental agreements entered into between the City of Chicago and other units of government; and

(7) establishing any other necessary rules and regulations as may be required to carry out the provisions of this chapter.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 3-31-04, p. 20968, § 1; Amend Coun. J. 2-15-12, p. 20496, § 4)

2-14-040 Administrative law officers – Powers and duties.

Each administrative law officer appointed by the director shall be an attorney admitted to the practice of law in the State of Illinois for at least three years. Administrative law officers shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:

(1) hold conferences for the settlement or simplification of the issues;

(2) administer oaths and affirmations;

(3) hear testimony;

(4) rule upon motions, objections, and the admissibility of evidence;

(5) subject to the restrictions contained in Section 2-14-080, at the request of any party or on the administrative law officer's own motion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;

(6) preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;

(7) regulate the course of the hearing in accordance with this chapter, the rules adopted by the department for the conduct of administrative hearings, or other applicable law;

(8) discuss administrative adjudication proceedings with their supervisors;

(9) issue a final order which includes findings of fact and conclusions of law;

(10) impose penalties and fines and issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation; provided, however, that in no event shall an administrative law officer have the authority to: (i) impose a penalty of imprisonment; or (ii) except in cases to enforce the collection of any tax imposed and collected by the city, in which this limitation shall not apply, impose a fine in excess of $50,000 exclusive of costs of enforcement or costs imposed to secure compliance with this Code; and

(11) in any case in which a party has sought review by the department of administrative hearings of

an order or determination of another city department or agency, when such review is authorized by this Code, assess costs upon affirming the order or determination.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 4-29-98, p. 66564)

2-14-050 Administrative law officers – Training requirements.

Prior to conducting any administrative adjudication proceeding, an administrative law officer shall have successfully completed a formal training program, approved by the director, which includes the following:

(1) instruction on the rules of procedure of the administrative hearings which he or she will conduct;

(2) orientation to each subject area of the code violations which he or she will adjudicate;

(3) observation of administrative hearings; and

(4) participation in hypothetical cases, including ruling on evidence and issuing final orders.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-060 Rules and regulations – Available for public inspection.

The rules and regulations promulgated for the conduct of administrative adjudication proceedings shall be published and kept on file in the office of the director where they shall be available to the public for inspection and copying during normal business hours.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-065 General provisions.

The provisions of this article shall apply to administrative adjudication proceedings conducted by the department of administrative hearings to the extent that they are not inconsistent with the provisions of this Code which set forth specific procedures for the administrative adjudication of particular code provisions.

(Added Coun. J. 4-29-98, p. 66564)

2-14-070 Instituting administrative adjudication proceedings.

Any authorized department or agency of the city may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-072 Adjudication by mail.

The rules adopted by the director for the conduct of administrative adjudication proceedings may provide that a respondent may elect to contest an alleged violation through an adjudication by mail rather than at an administrative hearing.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-074 Notice.

(a) Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

(b) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.

(c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing shall be served upon the alleged violator no less than seven calendar days prior to the date of the hearing: (i) by first class or express mail or by overnight carrier at the violator's residence address or, if the violator is a business entity, at any address identified for its registered agent or at its principal place of business; or (ii) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or (iii) if service cannot be made by either of (i) or (ii) above, when the alleged violator is the owner or manager of the property by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found.

(d) In all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety or welfare.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-076 Administrative hearings.

(a) Any administrative adjudication proceeding conducted by the department of administrative hearings shall afford the parties an opportunity for a hearing before an administrative law officer.

(b) An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided by the department of administrative hearings for such purpose.

(c) In no event shall the case for the city be presented by an employee of the department of administrative hearings; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department or agency of the city, may be presented at the hearing by the administrative law officer.

(d) The administrative law officer may grant continuances only upon a finding of good cause.

(e) All testimony shall be given under oath or affirmation.

(f) The administrative law officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-14-080.

(g) Subject to subsection (j) of this section, the administrative law officer may permit witnesses to submit their testimony by affidavit or by telephone.

(h) The formal and technical rules of evidence shall not apply in the conduct of the hearing.

Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(i) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with 2-14-074 shall be prima facie evidence of the correctness of the facts specified therein.

(j) Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(k) The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.

(l) Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with applicable provisions of the Municipal Code; (ii) issue orders that are consistent with applicable provisions of the Municipal Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the city, where this limitation shall not apply, impose a fine in excess of $50,000.00 exclusive of costs of enforcement or costs imposed to secure compliance with this Code.

(m) In the issuance of a final determination of liability, an administrative law officer shall inform the respondent of his or her right to seek judicial review of the final determination.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-078 Default.

(a) If at the time set for a hearing the recipient of a notice of violation or a notice of hearing, or his or her attorney of record, fails to appear, the administrative law officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision, and order. A copy of the order of default shall be served in any manner permitted by Section 2-14-074(c).

(b) The recipient of a notice of violation or a notice of hearing who is found to be in default may petition the administrative law officer to set aside the order of default and set a new hearing date in accordance with Section 2-14-108.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-080 Subpoenas.

(a) An administrative law officer may issue a subpoena only if he or she determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

(i) relevant to the case; and

(ii) relates to a contested issue in the case.

(b) A subpoena issued under this chapter shall identify:

(i) the person to whom it is directed;

(ii) the documents or other items sought by the subpoena, if any;

(iii) the date for the appearance of the witnesses and the production of the documents or other items described in the subpoena;

(iv) the time for the appearance of the witnesses and the production of the documents or other items described in the subpoena; and

(v) the place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.

(c) In no event shall the date identified for the appearance of the witnesses or the production of the documents or other items be less than seven days after service of the subpoena.

(d) Within three business days of being served with a subpoena issued in accordance with this chapter, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena to an administrative law officer, who shall not be the same administrative law officer who ordered the issuance of the subpoena.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-090 Compliance bond.

In order to ensure that code violations are remedied or fines are paid in a timely manner, an administrative law officer, upon issuing a final determination of liability, may require a code violator to post with the city a compliance bond or, as appropriate, to consent to the granting and recording of a lien against titled property. Bonds and liens shall be approved by the city comptroller and the corporation counsel as to form and amount. Whenever it is necessary for the city to make repairs or otherwise expend funds relating to a code violation for which a bond was posted, or whenever fines or costs remain unpaid after a code violator has exhausted or failed to exhaust judicial review procedures, the administrative law officer may, after giving the parties notice and opportunity to be heard, issue an order permitting the city to draw against the bond in an appropriate amount, or to foreclose on the lien. The administrative law officer shall order the bond or the titled property or proceeds from the titled property, less the costs incurred by the city, returned to the code violator upon proof of compliance with the applicable code provisions and the payment of applicable fines or costs.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-100 Violations of orders.

(a) *Elements of the offense.* A person violates this section if he or she:

(1) receives notice and an opportunity to be heard under this Code; and

(2) knowingly fails to comply with an order issued by an administrative law officer under this chapter, including any requirement of a subpoena.

Each day that the violation occurs shall be considered a separate and distinct offense.

(b) *Defenses.* It shall be an affirmative defense to this section that a court of competent jurisdiction stayed the order issued by the administrative law officer prior to the effective date of the order.

(c) *Prohibited defenses.* It is not a defense to this section that a person:

(1) came into compliance or attempted to come into compliance with the order after the date the order by its terms required compliance; or

(2) sought judicial review of the order but failed to obtain a stay of the order prior to the date the order by its terms required compliance.

(d) *Sentence.* A person convicted under this section shall be punished by:

(1) a fine of not less than $200.00 and not more than $500.00 for each offense;

(2) incarceration for not more than 180 days for each offense; and/or

(3) an order to perform community service for a period not to exceed 200 hours for each offense.

However, whenever the order giving rise to the offense is an order of abatement pursuant to Chapter 7-4, Section 8-4-090 or Section 13-12-145 of this Code, the sentence shall include a mandatory minimum sentence of no less than four days incarceration.

(e) *Venue.* The corporation counsel shall institute actions under this section in a court of competent jurisdiction.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 8-30-00, p. 40306, § 4)

2-14-101 Seized / unclaimed property.

After an administrative law officer has issued a final determination of liability or no liability, any property seized by the city in relation to the subject matter of the final determination of liability or no liability that is not forfeited by operation of law may be reclaimed by the lawful owner provided that all penalties and fees have been paid. The procedures for the reclamation shall be within the discretion of the department head of the city department or agency charged with maintaining custody of the property. After the expiration of time during which judicial review of the final determination of liability may be sought or 35 days after the final determination of no liability, unless stayed by a court of competent jurisdiction, any property not so reclaimed may be disposed of by the city department or agency charged with maintaining custody of the property as provided by law.

(Added Coun. J. 4-29-98, p. 66564)

2-14-102 Review under the Administrative Review Law.

Any final decision by the department of administrative hearings that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law, except as otherwise may be provided by law for decisions issued prior to the effective date of this ordinance.

(Added Coun. J. 4-29-98, p. 66564)

2-14-103 Enforcement of administrative law officer's order.

(a) Any fine, other sanction or costs imposed by an administrative law officer's order that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures shall be a debt due and owing the city and, as such, may be collected in accordance with applicable law.

(b) After the expiration of the period in which judicial review may be sought, unless stayed by a court of competent jurisdiction, the findings, decision and order of an administrative law officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a respondent fails to comply with an administrative law officer's order to correct a code violation or imposing a fine or other sanction as a result of a code violation, any expenses incurred by the city to enforce the administrative law officer's order, including but not limited to, attorney's fees, court costs and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or an administrative law officer shall be a debt due and owing the city. Prior to any expenses being fixed by an administrative law officer, the respondent shall be provided with notice that states that the respondent shall appear at a hearing before an administrative law officer to determine whether the respondent has failed to comply with the administrative law officer's order. The notice shall set the time for the hearing, which shall not be less than seven days from the date that notice is served. Notice shall be served by first class mail and the seven-day period shall begin to run on the date that the notice was deposited in the mail.

(d) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the respondent in the amount of a debt due and owing the city. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) Nothing in this section shall prevent the city from enforcing or seeking to enforce any order of an administrative law officer in any manner which is in accordance with applicable law.

(Added Coun. J. 4-29-98, p. 66564)

2-14-104 Interest.

Except as otherwise provided by law, interest on any debt due and owing shall accrue at the rate set for interest upon judgments.

(Added Coun. J. 4-29-98, p. 66564)

2-14-105 Fines payable to the department of finance.

All fines and other monies paid to the city in accordance with this chapter shall be remitted to the department of finance.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 11-16-11, p. 13798, Art. I, § 2)

2-14-108 Petition to set aside default order.

(a) An administrative law officer may set aside any order entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the administrative law officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time, if the petitioner establishes that the petitioner was not provided with proper service of process. If the petition is granted, the administrative law officer shall proceed with a new hearing on the underlying matter as soon as practical.

(b) If any order is set aside under this section, the administrative law officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated default order and directing the city to refund any fines and/or penalties paid pursuant to the vacated order.

(Added Coun. J. 4-29-98, p. 66564)

2-14-109 Petition by city department for relief from a final order of liability entered in error.

(a) After an order of liability becomes final, the city department or agency which initiated or prosecuted an administrative adjudication before the department of administrative hearings may file a written petition for relief from a final order of liability entered in error with the department of administrative hearings.

(b) The written petition must be filed and signed by the department or agency head of the initiating or prosecuting department or agency and must set forth facts alleging that the order of liability: (1) was entered in error; (2) is unsupported by the record; (3) is inconsistent with applicable provisions of this Code; and (4) should be vacated to avoid a miscarriage of justice. The authority to file and sign a petition under this section is expressly reserved to the department or agency head and may not be delegated to other department or agency officials or personnel.

(c) Upon the filing of a written petition by a department or agency head, the director of administrative hearings shall schedule a hearing on the petition. The scope of the hearing shall be limited to the merits of the petition and shall not be expanded to constitute a re-litigation of the underlying notice of violation.

(d) If a petition is granted, the final order of liability shall be vacated. If an order is vacated under this section, the administrative law officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated order and directing the city to refund any fines and/or penalties paid pursuant to the vacated order.

(Added Coun. J. 4-29-98, p. 66564)

2-14-110 Election of remedies.

In no case may the department of administrative hearings conduct an administrative adjudication proceeding for an alleged violation of the Municipal Code where the requested remedy is a punishment of imprisonment; provided, however, where a violation of the code is punishable by fines and other penalties in addition to imprisonment, the city may elect to institute an action with the department of administrative hearings and thereby waive any imprisonment for the code violation. Nothing in this chapter, however, shall preclude the city from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of an administrative law officer, pursuant to Section 2-14-100.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-120 Administrative adjudication procedures not exclusive.

Notwithstanding any other provision of this chapter, neither the authority of the department of administrative hearings to conduct administrative adjudication procedures nor the institution of such procedures under this chapter shall preclude the city from seeking any remedies for code violations through the use of any other administrative procedure or court proceeding.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564)

2-14-130 Other provisions not limiting.

(a) Notwithstanding any other provision of the Municipal Code, all provisions of the code, except for those specified in Section 2-14-190(a), may be enforced by instituting an administrative adjudication proceeding with the department of administrative hearings as provided in this chapter.

(b) Notwithstanding any other provision of the Municipal Code, any enforcement action which may

be exercised by another department or agency of the city may also be exercised by the department of administrative hearings; provided, however, that the department shall not have authority to revoke or suspend any city license except those issued pursuant to Chapters 9-104, 9-108, 9-112, 9-114, and 9-115 of this Code.

(c) Nothing in this chapter shall affect the jurisdiction of the Department of Business Affairs and Consumer Protection, the Chicago Commission on Human Relations, the zoning board of appeals, the human resources board, the board of ethics, the police board, or the Commission on Chicago Landmarks.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 12-7-05, p. 64870, § 1.6; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 5-28-14, p. 82771, § 2)

2-14-132 Impoundment.

(1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 9-80-220, 9-110-180(b), 9-112-640, 9-114-420 or 9-115-240 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-4-130, 8-8-060, 8-20-070, 9-12-090, 9-32-040, 9-76-145, 9-80-225, 9-80-240, 9-92-035, 10-8-480(c), 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle. If the vehicle is also subject to immobilization for unpaid parking and/or compliance violations, the owner of the vehicle must also pay the amounts due for all such outstanding violations prior to the release of the vehicle. If the administrative law officer determines there is no such probable cause, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle has previously been determined not to be eligible for impoundment under that section, the vehicle will be returned without penalty or other fees.

(2) Within ten days after a vehicle is seized and impounded the department of streets and sanitation or other appropriate department shall notify by certified mail the owner of record (other than a lessee who does not hold title to the vehicle), the person who was found to be in control of the vehicle at the time of the alleged violation, and any lienholder of record, of the owner's right to request a hearing before the department of administrative hearings to challenge whether a violation of this Code for which seizure and impoundment applies has occurred or, if the impoundment is pursuant to Section 9-92-035, whether the subject vehicle is eligible for impoundment under that section. In the case where an owner of record is a lessee who does not hold title to the vehicle, the notice shall be mailed to such lessee within ten days after the department of streets and sanitation receives a photocopy or other satisfactory evidence of the vehicle lease or rental agreement, indicating the name, address, and driver's license number of the lessee pursuant to subsection (9). However, no such notice need be sent to the owner of record if the owner is personally served with the notice within ten days after the vehicle is seized and impounded, and the owner acknowledges receipt of the notice in writing. A copy of the notice shall be forwarded to the department of administrative hearings. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle not released by payment of the penalty and

fees and remaining in the city pound may be sold or disposed of by the city in accordance with applicable law. The owner of record seeking a hearing must file a written request for a hearing with the department of administrative hearings no later than 15 days after notice was mailed or otherwise given under this subsection. The hearing date must be no more than 30 days after a request for a hearing has been filed. If, after the hearing, the administrative law officer determines by a preponderance of the evidence that the vehicle was used in the violation, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle was properly impounded under that section, the administrative law officer shall enter an order finding the owner of record liable to the city for the amount of the administrative penalty prescribed for the violation, plus towing and storage fees. If, after a hearing, the administrative law officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle was not eligible for impoundment under that section, the administrative law officer shall enter an order finding for the owner and for the return of the vehicle or previously paid penalty and fees; provided that if the vehicle was seized and impounded pursuant to Section 7-24-225, the vehicle shall not be returned unless and until the city receives notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted; or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the owner of record. If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and an administrative law officer of the department of administrative hearings shall enter a default order in favor of the city in the amount of the administrative penalty prescribed for the violation, plus towing and storage fees. However, if the owner: (i) redeemed the vehicle by payment of the appropriate penalty and fees, and (ii) was notified of the owner's right to request a hearing, and (iii) failed to timely request a hearing, then the payment shall be deemed an acknowledgment of liability and no adjudication shall be required. For the purposes of this section and those sections of this Code referenced in subsection (1) of this section, the terms "seizure and impoundment" and "seized and impounded" shall be deemed to also refer to a vehicle that a police officer or other authorized city agent or employee determines is subject to impoundment because there is probable cause to believe it was used in violation of one or more of those sections of the code listed in subsection (1) of this section, regardless of whether the vehicle is actually towed to and held at a city facility.

(3) An administrative penalty, plus towing and storage fees, imposed pursuant to this section shall constitute a debt due and owing to the city which may be enforced pursuant to Section 2-14-103 or in any other manner provided by law. Any amounts paid pursuant to this section shall be applied to the penalty. Except as provided otherwise in this section, a vehicle shall continue to be impounded until (1) the administrative penalty, plus any applicable towing and storage fees, plus all amounts due for outstanding final determinations of parking and/or compliance violations (if the vehicle is also subject to immobilization for unpaid final determinations of parking and/or compliance violations), is paid to the city, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or (2) the vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law. Notwithstanding any other provision of this section, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she pays the applicable towing and storage fees and agrees in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties imposed under this section. Notwithstanding any other provision of this section, no vehicle that was seized and impounded pursuant to Section 7-24-225 shall be returned to the record owner unless and until the city has received notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted; or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the owner of record.

(4) Any motor vehicle that is not reclaimed within ten days after the expiration of the time during

which the owner of record may seek judicial review of the city's action under this section, or, if judicial review is sought, the time at which a final judgment is rendered in favor of the city, or the time a final administrative decision is rendered against any owner of record who is in default may be disposed of as an unclaimed vehicle as provided by law; provided that, if the vehicle was seized and impounded pursuant to Section 7-24-225 and proceedings have been instituted under state or federal drug asset forfeiture laws, the vehicle may not be disposed of by the city except as consistent with those proceedings.

(5) As used in this section, the "owner of record" of a vehicle means the record title holder and includes, for purposes of enforcing Section 3-46-076, the "license holder of a ground transportation vehicle" as that term is defined in Chapter 3-46. For purposes of this section and the sections of the Municipal Code of Chicago enumerated in subsection (1) of this section, "owner of record" also includes the lessee of the vehicle.

(6) Fees for towing and storage of a vehicle under this section shall be the same as those charged pursuant to Chapter 9-92 of this Code.

(7) In a hearing on the propriety of impoundment under Section 7-24-226, any sworn or affirmed report, including a report prepared in compliance with Section 11-501.1 of the Illinois Vehicle Code, that (a) is prepared in the performance of a law enforcement officer's duties and (b) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the vehicle owner's liability under Section 7-24-226 of this Code, and shall support a finding of the vehicle owner's liability under Section 7-24-226, unless rebutted by clear and convincing evidence.

(8) For purposes of the section, a vehicle is not considered to have been used in a violation that would render the vehicle eligible for towing if: (1) the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; (2) the vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the vehicle; or (3) the alleged owner provides adequate proof that the vehicle had been sold to another person prior to the violation.

(9) (A) Notwithstanding any provision of this section to the contrary, a lessor (except where the lessee holds title to the vehicle) asserting his or her right to possession of a vehicle impounded pursuant to one or more of the use-related offense sections set forth in paragraph (1) may obtain immediate release of such vehicle by paying the applicable towing and storage fees provided in subsection (6) of this section and submitting a photocopy or other satisfactory evidence of the vehicle lease or rental agreement, indicating the lessee's name, address and driver's license number. The requirements of subsection (3) of this section regarding the payment of parking and/or compliance violations shall apply to such a lessor only to the extent of such outstanding final determinations of parking and/or compliance violations for which the lessor is legally liable with respect to such impounded vehicle. The city shall refund the towing and storage fees to such lessor if the city recovers such fees from the lessee, or if the towing is ultimately determined to be improper or erroneous, or if the lessee is otherwise determined not to be liable for such fees.

(B) No person who is the lessor of a vehicle pursuant to a written vehicle lease or rental agreement shall be liable for administrative penalties and fines set forth in one or more of the use-related offense sections set forth in paragraph (1) involving such vehicle during the period of the lease or rental agreement, if the lessor provides to the department of streets and sanitation or police, either prior to or within 30 days of the receipt of a notice of impoundment, a photocopy or other evidence of the vehicle lease or rental agreement, indicating the name, address, and driver's license number of the lessee. If such penalty, fine or fee has already been imposed on the lessor, it shall be abated by the city upon receipt of such photocopy or other evidence within the time frame provided herein.

(10) When an authorized employee or agent of the City of Chicago has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to any one or more of the code sections set forth in subsection (1) of this section, he shall affix a notice to the vehicle in a conspicuous place. Such notice shall warn that the vehicle is subject to seizure for purposes of impoundment. The notice shall also provide a warning that removal or relocation of the vehicle by any person other than the City of Chicago or its authorized agents is unlawful.

It shall be unlawful for anyone other than an authorized agent of the city to remove or relocate any vehicle that has been determined to be subject to impoundment and which bears a warning notice that the vehicle is subject to seizure for purposes of impoundment. The owner of record of such vehicle, and any person who removes or relocates such vehicle in violation of this subsection, shall be subject to a penalty of no less than $1,000.00 and no more that $2,000.00 for such violation. This offense shall be a strict liability offense as to the vehicle's owner of record. Anyone who removes a vehicle sticker affixed to a vehicle pursuant to this section before such vehicle is relocated to a city facility shall be subject to a fine of no less that $500.00 and no more than $1,000.00.

(11) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Chapter 3-56 of this Code.

(Added Coun. J. 4-29-98, p. 66564; Amend Coun. J. 7-21-99, p. 9095; Amend Coun. J. 12-15-99, p. 21529, § 1; Amend Coun. J. 3-15-00, p. 27700, § 2; Amend Coun. J. 6-6-01, p. 60138, § 1; Amend Coun. J. 12-12-01, p. 76443, § 2; Amend Coun. J. 7-31-02, p. 90675, § 1; Amend Coun. J. 12-4-02, p. 99026, § 5.1; Amend Coun. J. 5-7-03, p. 564, § 1; Amend Coun. J. 9-4-03, p. 7167, § 1; Amend Coun. J. 11-3-04, p. 34974, § 1; Amend Coun. J. 10-6-05, p. 56698, § 1; Amend Coun. J. 12-7-05, p. 64870, § 1.8; Amend Coun. J. 7-26-06, p. 81473, § 5; Amend Coun. J. 7-26-06, p. 81824, § 1; Amend Coun. J. 11-13-07, p. 14999, Art. I, § 7; Amend Coun. J. 12-12-07, p. 17518, § 2; Amend Coun. J. 11-18-09, p. 77163, § 1; Amend Coun. J. 7-2-10, p. 96234, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. III, § 1; Amend Coun. J. 7-28-11, p. 5048, § 2; Amend Coun. J. 12-14-11, p. 17753, § 1; Amend Coun. J. 1-18-12, p. 19118, § 3; Amend Coun. J. 9-11-13, p. 58821, § 2; Amend Coun. J. 10-16-13, p. 61861, § 2; Amend Coun. J. 4-30-14, p. 80633, § 2; Amend Coun. J. 5-28-14, p. 82771, § 2)

2-14-135 Impoundment – Towing and storage fee hearing.

The owner or other person entitled to possession of a vehicle seized and impounded pursuant to Section 9-92-030 of this Code may request a hearing before the department of administrative hearings. Such a hearing request must be made in person and in writing at the department of administrative hearings within 30 days after the vehicle is seized and impounded. If at the time of the request for a hearing the owner or other person entitled to possession of the vehicle has not obtained the release of the vehicle, an administrative law officer of the department of administrative hearings shall conduct such hearing within 48 hours of the request, excluding Saturdays, Sundays and legal holidays. However, if at the time of the request for a hearing the owner or other person entitled to possession of the vehicle has obtained the release of the vehicle, an administrative law officer of the department of administrative hearings shall conduct such hearing within 30 days of such request. The hearing referred to in this section shall be to determine whether the vehicle is subject to towing or removal under Section 9-92-030 of this Code, and the validity of any towing or storage fees imposed. If, after the hearing, the administrative law officer determines that the vehicle was subject to towing or removal under Section

9-92-030 of this Code, the administrative law officer shall enter an order finding the owner or other person entitled to possession of the vehicle liable to the city for the towing and storage fees. If, after a hearing, the administrative law officer determines that the vehicle was not subject to towing or removal under Section 9-92-030 of this Code, the administrative law officer shall enter an order finding for the owner or other person entitled to possession of the vehicle and for the return of the vehicle if it was not previously released, and a refund of the previously paid towing and storage fees; provided, however, the vehicle shall not be released if such vehicle is held pursuant to applicable state, federal or any other law, or a court order or warrant that authorizes the continued impoundment of the vehicle.

(Added Coun. J. 11-18-09, p. 76558, § 1)

ARTICLE II. VEHICLE HEARINGS DIVISION (2-14-140 et seq.)

2-14-140 Vehicle hearings division.

(a) The department of administrative hearings shall operate a system of administrative adjudication of violations of ordinances regulating an automated speed enforcement system or an automated traffic law enforcement system, as those terms are defined in Section 9-4-010, and vehicular standing, parking and compliance in accordance with the applicable provisions of Chapter 9-100, Chapter 9-101 or Chapter 9-102 of this Code.

(b) The administrative adjudication system shall be operated within a vehicle hearings division created within the department of administrative hearings.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 4-18-12, p. 23762, § 1)

ARTICLE III. BUILDINGS HEARINGS DIVISION (2-14-150 et seq.)

2-14-150 Buildings hearings division.

(a) The department of administrative hearings shall operate a system of administrative adjudication of violations of building code provisions.

(b) The system shall be operated within a buildings hearings division created within the department of administrative hearings.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 7-29-98, p. 74835)

2-14-151 Definitions.

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

(a) "Building code" or "building provisions of this Code" means: Titles 13 (excepting Chapter 13-72) and 18; Chapters 2-22, 7-4, 7-28; Article III of Chapter 11-4; Chapters 15-8, 15-12 and Article I of Chapter 15-16, Section 8-4-090; and all other provisions of this Code establishing or relating to construction, plumbing, heating, electrical, fire prevention, sanitation, zoning or other health and safety standards relating to structures or uses of land (except to the extent authority for enforcement and administration is conferred exclusively on a department or agency other than the department of buildings or exclusively on an officer other than the building commissioner.

(b) "Building inspector" shall mean any employee of the city whose duties include the inspection or examination of buildings or other structures in Chicago to determine if building code violations exist;

(c) "Building owner" shall mean: (1) the legal title holder or holders of the realty containing a building or other structure; (2) the beneficial owner or owners of an Illinois Land Trust if legal title is held by such a trust; (3) the purchaser under any real estate installment sales contract if such a contract exists; (4) any person or entity registered as an owner pursuant to Chapter 13-10 of the Municipal Code of Chicago; (5) a person who contracts with the federal government or any of its agencies, including without limitation the Department of Housing and Urban Development, to care for vacant residential real estate; (6) a person who has management authority over real property; or (7) for purposes of proceedings involving alleged violations of Section 8-4-090, any person who owns, manages or controls the applicable premises.

(Added Coun. J. 4-29-98, p. 66564; Amend Coun. J. 1-13-10, p. 83085, § 2; Amend Coun. J. 6-30-10, p. 95086, § 2; Amend Coun. J. 11-17-10, p. 106597, Art. IX, § 2)

2-14-152 Service of notice to building owner.

(a) The date for a hearing to adjudicate a building code violation shall not be less than 30 days after the violation is reported by the building inspector in nonemergency situations; the date for the hearing in emergency situations may be scheduled in accordance with Section 2-14-074.

(b) Service of a notice of violation and/or notice of hearing to adjudicate a building code violation may be made upon any person liable for the violation under this Code, or his or her registered designee for service under Chapter 13-10 of this Code by: (i) personal service; (ii) first class or express mail or overnight carrier to the designee and address registered with the city under Chapter 13-10 of this Code; or (iii) first class or express mail or overnight carrier to the residence or place of business of the person liable for the violation, if service under (ii) is found to be undeliverable or if the building or structure is not registered or subject to registration under Chapter 13-10 of this Code.

If service cannot be made under (i), (ii) or (iii) above, service on the owner may be made by posting a copy of the notice of violation or notice of hearing on the front entrance of the building or structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the notice of violation or notice of hearing in a prominent place upon the property where the violation is found, not less than 20 days before the scheduled date of the hearing.

(Added Coun. J. 4-29-98, p. 66564; Amend Coun. J. 8-30-00, p. 40306, § 4)

2-14-154 Rights of occupants.

No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar action, including but not limited to increase of rent, decrease of services and refusal to renew a lease, shall be threatened or instituted against an occupant of a building or other structure because such occupant has in good faith agreed to testify or testified at an administrative hearing before the department of administrative hearings or has complained of a building code violation to the landlord, to a government agency, public official or elected representative, or to a community organization or news medium. Nothing in this section shall be construed to limit any rights or defenses available to tenants or other occupants under other city ordinances or applicable law.

(Added Coun. J. 4-29-98, p. 66564)

2-14-155 Defenses to building code violations.

It shall be a defense to a building code violation adjudicated under this article, if the owner, manager, person exercising control, his attorney, or any other agent or representative proves to the administrative law officer that:

(a) The building code violation alleged in the notice did not in fact exist at the time of the inspection

resulting in the notice;

(b) At the time of the hearing on the issue of whether the building code violation does or does not exist, the violation has been remedied or removed. This subsection (b) shall not create a defense to a violation of Section 13-12-135(d)(5)(C), or to a person or entity that is an architect, structural engineer, contractor or builder who has been charged with a violation of Section 13-12-050 or Section 13-12-060 of this Code; nor shall it be a defense for any violation of Section 13-20-550 or Section 17-12-0709 pertaining to any off-premises sign, as that term is defined in Section 17-17-02108. However, for violations of Sections 13-196-400 through 13-196-440 of this Code, it shall be a defense under this subsection only where the violation has been remedied or removed within seven days of service of notice of the building code violations as provided under Section 2-14-152;

(c) The building code violation has been caused by the current building occupants, or the most recent occupants who have been evicted within 30 days of the date of the notice of building code violations, and that in spite of reasonable attempts by the owner, manager, or person exercising control to maintain the building free of such violations, the current or evicted occupants caused the violations;

(d) An occupant or resident of the building has refused entry to the owner or his agent to all or a part of the building for the purpose of correcting the building code violation.

This section does not create a defense to a person who has been charged with encouraging or permitting illegal activity on any premises in violation of Section 8-4-090 of this Code, or with a violation of Section 10-28-281.6, 10-28-281.7 or 10-28-281.8 of this Code.

(Added Coun. J. 4-29-98, p. 66564; Amend Coun. J. 4-21-99, p. 92160, § 1; Amend Coun. J. 7-25-01, p. 64897, § 1; Amend Coun. J. 12-4-02, p. 99026, § 7.5; Amend Coun. J. 12-4-02, p. 100455, § 1; Amend Coun. J. 7-26-06, p. 81367, § 1; Amend Coun. J. 11-13-07, p. 15814, § 3; Amend Coun. J. 7-39-08, p. 36080, § 4; Amend Coun. J. 4-24-12, p. 25060, § 1)

2-14-156 Separate hearings on the imposition of fines and other sanctions.

If the administrative law officer issues a final determination of liability as to a violation of the building code but finds that the liable party has already begun to correct the violation proved, the administrative law officer may, in his or her discretion, schedule a separate hearing on the imposition of fines or other sanctions for a date no later than 30 days from the date of issuance of the final determination of liability, unless the administrative law officer finds that good cause has been shown that a longer period is necessary. The administrative law officer may order a reinspection of the property to verify code compliance and the extent of any corrective measures prior to hearing on the fines or other sanctions.

(Added Coun. J. 4-29-98, p. 66564)

ARTICLE IV. ENVIRONMENTAL SAFETY AND CONSUMER AFFAIRS HEARINGS DIVISION (2-14-160 et seq.)

2-14-160 Environmental safety and consumer affairs hearings division.

(a) The department of administrative hearings shall operate a system of administrative adjudication of violations of ordinances, and similar matters pursuant to Section 2-14-030(6), regulating business affairs and consumer protection, public health and safety, streets and sanitation, transportation, aviation and the environment.

(b) The system shall be operated within an environmental safety and consumer affairs hearings division created within the department of administrative hearings.

(c) [*Reserved.*]

(d) [*Reserved.*]

(e) If the administrative law officer issues a final determination of liability as to a violation of the sanitation code but finds that the liable party has already begun to correct the violation proved, the administrative law officer may, in his or her discretion, schedule a separate hearing on the imposition of fines or other sanctions for a date no less than 30 days from the date of issuance of the final determination of liability, unless the administrative law officer finds that good cause has been shown that a longer period is necessary. The administrative law officer may order a reinspection of the property to verify code compliance and the extent of any corrective measures prior to hearing on the fines or other sanctions.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 3-27-02, p. 82086, § 3; Amend Coun. J. 11-16-11, p. 13798, Art. V, § 1; Amend Coun. J. 2-15-12, p. 20496, § 4)

ARTICLE V. RESERVED

Editor's note – Coun. J. 11-16-11, p. 13798, Art. V, § 1, repealed Ch. 2-14, Art. V (§ 2-14-170) which pertained to the consumer affairs hearings division.

ARTICLE VI. MUNICIPAL HEARINGS DIVISION (2-14-190 et seq.)

2-14-190 Municipal hearings division – Jurisdiction.

(a) The department of administrative hearings is authorized to establish a system of administrative adjudication for the enforcement of all provisions of the Municipal Code, and similar matters pursuant to Section 2-14-030(6), that are not adjudicated by the vehicle, buildings, or environmental safety and consumer affairs hearings divisions.

(b) The system may be operated within a municipal hearings division or such other division or divisions established by the director within the department of administrative hearings.

(c) Notwithstanding any other provision of this Code, except Section 2-14-130(c), the jurisdiction granted to the department of administrative hearings by this article shall be exercised exclusively by the department of administrative hearings upon written notification by the director to any affected department or agency of the city. Subsequent to the issuance of the written notification, no city department or agency, except those specified in Section 2-14-130(c), may adjudicate code provisions identified in the notice other than the department of administrative hearings.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 7-2-10, p. 96234, § 1; Amend Coun. J. 11-16-11, p. 13798, Art. V, § 1; Amend Coun. J. 2-15-12, p. 20496, § 4; Amend Coun. J. 6-25-14, p. 83727, § 1)

2-14-195 Fine of $10,000.00 or more – Petition for review to the director.

(a) Except as otherwise provided in Section 3-4-340(H)(5), in any matter adjudicated by the municipal hearings division where an administrative law officer imposes or the city seeks a fine or judgment of $10,000.00 or more, either party may, within ten business days of said fine or judgment determination, petition the director of the department of administrative hearings or his or her designee to review the determination as well as the underlying final determination of liability. A final decision by the director or his or her designee to reverse or modify any determination shall be based on the record created by the administrative law officer, and the director shall not make any determination of credibility without consulting the administrative law officer.

(b) If the director or his or her designee does not act on a petition within ten business days after receiving the petition, the petition shall be deemed denied on that date and the determination of the administrative law officer shall be final.

(c) The failure to submit a petition for review shall not waive or affect a party's right to judicial review.

(Added Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 11-8-12, p. 38872, § 3)

2-14-200 Eviction proceedings.

(a) The provisions of Article I of this chapter shall apply to eviction proceedings except to the extent that those provisions are inconsistent with this section. At a proceeding under this section, notwithstanding Section 2-14-076 of this Code, a violation notice shall not be treated as prima facie evidence.

(b) Whenever an administrative law officer determines that a tenant is subject to eviction based upon a pattern of controlled substance violations under Chapter 8-28, he or she will issue an order of eviction effective on a specified date not less than 30 days after the date the order is issued. On that date and thereafter the landlord shall be entitled to re-enter and take possession of the premises. Any person who violates an order of eviction issued under this section by failing to surrender the premises shall be subject to prosecution under Section 2-14-100.

(c) Whenever an administrative law officer issues an eviction order, he or she may order the landlord to retain the services of a licensed private security contractor to ensure the removal of the tenant from the premises in accordance with the order. In addition, the corporation counsel is hereby authorized to enter into an intergovernmental agreement with the County of Cook, under which the city will authorize the sheriff's police of that county to take appropriate action to ensure the removal of a tenant from premises in accordance with an order of eviction issued under this section. Any such agreement shall be subject to the approval of the corporation counsel and executed by the mayor. If the dwelling unit or premises are owned, managed or subsidized by a public housing agency, the public housing authority may be a party to the intergovernmental agreement.

(d) If the tenant does not vacate and remove his or her personal property from the premises as of the effective date of an eviction order specified in subsection (b), the landlord shall dispose of the property as provided in subsection (f) of Section 5-12-130.

(Added Coun. J. 8-30-00, p. 40306, § 5)