

**ORDINANCE NO. 2024-04**

**AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS TO ADOPT SECTION 5/1-2.1-1 OF THE ILLINOIS MUNICIPAL CODE AND AMEND VARIOUS ORDINANCES OF THE VILLAGE OF CHERRY VALLEY'S CODE OF ORDINANCES TO REFLECT SUCH ADOPTION**

**WHEREAS**, the Village of Cherry Valley, Illinois ("Village") has adopted a Code of Ordinances ("Code") for the Village; and

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, provides that the Division 2.1, Administrative Adjudication, applies to non-home rule municipalities that adopt the provisions of this Division; and

**WHEREAS**, the Village is a non-home rule municipality; and

**WHEREAS**, the Village, by adopting 65 ILCS 5/1-2.1 *et seq.*, may enforce the final determination of an administrative hearing in the same manner as a judgment entered by a court of competent jurisdiction; and

**WHEREAS**, the Village desires to adopt the provisions of Division 2.1, Administrative Adjudication, of the Illinois Municipal Code and amend Sections 2-432 and 2-442 of the Village's Code of Ordinances; and

**WHEREAS**, the Village Board finds that adopting Division 2.1, Administrative Adjudication, of the Illinois Municipal Code, by ordinance is in the best interest of the Village and its citizens.

**NOW THEREFORE**, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

**SECTION 1:** The foregoing recitals are incorporated herein and made a part hereof.

**SECTION 2:** Sec. 2-432. – Code hearing division established, of the Village's Code shall be amended to read as follows (additions shown as bolded and underlined and deletions as strikethroughs):

"Sec. 2-432. – Code hearing division established.

The village hereby adopts 65 ILCS 5/11-31.1 *et seq.*, ~~65 ILCS 5/1-2.2-1~~ **65 ILCS 5/1-2.1** *et seq.*, and all amendments and modifications thereto and establishes a code hearing division, in conjunction with the village attorney acting as its legal department. The function of the code hearing division is to expedite the prosecution and correction of code violations in the manner set forth in this chapter."

**SECTION 3:** Sec. 2-442. – Judgment on findings, decision, order, of the Village’s Code shall be amended to read as follows (additions shown as bolded and underlined and deletions as strikethroughs):

“Sec. 2-442. - Judgment on findings, decision, order.

- (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 which judicial review under the administrative review law may be sought for a final determination of the code violation, **unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.** ~~the village may commence a proceeding within the Seventeenth Judicial Circuit Court for purposes of obtaining a judgment on the findings, decision and order. The village may consolidate multiple findings, decisions and orders against a person, in such proceedings. 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 state laws. 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 or 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 were entered in accordance with the requirements of this article and the applicable state law, and that the property owner had an opportunity for a hearing under this article and for judicial review as provided in this article, 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~~ **The findings, decision and order of the administrative hearing officer shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money for the amount indicated in the findings, decision and order plus costs, and the court** **The administrative hearing officer** may also issue such other orders and injunctions as are requested by the village to enforce the orders of the administrative hearing officer **and** to correct a violation.

**SECTION 4:** Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

**SECTION 5:** Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION 6:** The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED UPON MOTION BY: MIKE NEVILLE

SECONDED BY: SALLY HOLLEMBEAK

BY ROLL CALL VOTE THIS 20<sup>TH</sup> DAY OF FEBRUARY, 2024, AS FOLLOWS:

VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,  
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: NONE

APPROVED: FEBRUARY 20, 2024

ATTEST:

  
KATHY TRIMBLE, VILLAGE CLERK

  
NANCY BELT, VILLAGE PRESIDENT PRO-TEM