
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT EICHELBERGER, VILLAGE ADMINISTRATOR
ALISON MURPHY, ASSISTANT TO THE VILLAGE ADMINISTRATOR/
VILLAGE CLERK
SUBJECT: DISCUSSION: MINOR ORDINANCE VIOLATION ENFORCEMENT AND
ADJUDICATION PROCESS
AGENDA: MAY 17, 2022 REGULAR BOARD MEETING
DATE: MAY 12, 2022

ISSUE

Should the Village Board discuss expanding the existing adjudication process to include minor ordinance violations and the authority to write citations.

DISCUSSION

At the April 5, 2022 Board meeting, Community Development Director Magdziarz reported that the Village had experienced a rash of contractors dumping construction materials and unloading equipment in the street in violation of Village Code. He noted that several tickets and fines had been issued. Many times these violations are spotted by the Public Works J.U.L.I.E. locator while out and about in the community and then called into the Chief Building Official to be cited. In an effort to improve process efficiencies, staff discussed amending the Code to provide additional staff with the authority to issue citations. Currently, the police have general authority to write ordinance violations pursuant to village Code Section 5-1-4 (and corresponding state law).

Additionally, in the Village, there are currently two separate administrative adjudication processes; one for administrative tows (Section 5-7-11) and the Building and Zoning Code Violations (Section 1-12). The scope of matters that can be addressed through the building and zoning adjudication process are limited to those authorized by State Law, and are set forth in Village Code as follows:

1-12-1 Violations include any provision of this Code that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in the Village or any Village ordinance that requires, after notice, the cutting of

weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, the abatement of nuisances from private property or vehicle restrictions/storage of vehicles per the Village zoning ordinance

While reviewing the issue of expanding the citation authority, the Village Attorney reviewed the state statute regarding local adjudication. The statute was changed allowing non-home rule to adjudicate minor local ordinance violations as well as administrative tows and building and zoning code violations. Minor local ordinance violations in the Village including overnight parking, dumping in the street, barking dogs, and all other violations in the Village Code. Specifically, the state statute allows tickets to be written as follows:

Sec. 1-2.2-20. Instituting code hearing proceedings. When a police officer or other individual authorized to issue a code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates (i) the name and address of the defendant, (ii) the type and nature of the violation, (iii) the date and time the violation was observed, and (iv) the names of witnesses to the violation.

Currently, after a local ordinance citation is issued, the violator has an option to pay the fine or dispute it in Kane County Traffic Court. Amending the Village Code to allow minor local ordinance violations provides the option for the issuing employee to have the case heard at local adjudication in front of a Hearing Officer, or be referred it to the Kane County Traffic Court.

Should the Board choose, the Village can enact an ordinance establishing this system to expand the adjudication process to include minor local ordinance violations in the manner provided by law. This process will also provide for additional (non-sworn) staff to be designated as individuals authorized to issue code violations on behalf of the Village pursuant to the local adjudication process.

COST

Attorney costs to research the issue will total approximately \$500. If changes to the Village Code are made there will be a small cost to codify the ordinance, which is already included in the budget.

RECOMMENDATION

That the Village Board direct staff to draft an Ordinance expanding the adjudication process for minor ordinance violations and the authority to write citations for minor ordinance violations for consideration at a future Board meeting.