

8/25/2009

83-O-09

AN ORDINANCE

Eliminating the Property Services Board

WHEREAS, the purpose of the Property Services Board is to provide owners of property, located in the City of Evanston, a means to appeal, administratively, decisions, notices, or orders issued by City Code Officials regarding violations of the 2003 International Building Code, 2003 International Plumbing Code, 2005 National Electrical Code, 2003 International Mechanical Code, 2003 International Residential Code, 2003 International Fuel Gas Code, and ICC International Property Maintenance Code 2003, all of which the City has adopted by reference; and

WHEREAS, decisions of the Property Services Board are to be considered final administrative decisions which may be appealed to the Circuit Court of Cook County pursuant to the Administrative Review Law, 735 ILCS 5/3-101, *et seq.*; and

WHEREAS, any aforementioned decision, notice, or order from a City Code official provides the property owner the opportunity to cure the relevant Code violation before said Code Official issues a citation to be heard in the City's Division of Administrative Hearings; and

WHEREAS, Section 11-1-2 of the Evanston City Code of 1979, as amended (the "City Code"), states that the purpose of the Division of Administrative Hearings is to provide an administrative means wherein "Code violations can be administratively adjudicated equitably and efficiently"; and

WHEREAS, Section 11-1-1 (I) of the City Code states that any decision of an Administrative Hearing Officers is to be considered "a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law"; and

WHEREAS, the City Council of the City of Evanston finds that the dual avenues of administrative appeal before the Property Services Board and Division of Administrative Hearings are unnecessarily redundant and may impede the effective and timely enforcement of the aforementioned Codes; and

WHEREAS, the City Council finds that it is in the best interests of the public health, safety, and welfare to eliminate any unnecessary impediment to the effective and timely enforcement of the aforementioned Codes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON:

SECTION 1: The foregoing recitals are found as fact and made a part hereof.

SECTION 2: That Subsection 112, "Means of Appeal", of Section 4-2-2 of the City Code, "Amendments", is hereby further amended to read as follows:

112: Means Of Appeal: This Section shall be deleted in its entirety from the 2003 International Building Code, adopted hereby.

SECTION 3: That Section 4-2-2 of the City Code, "Amendments", is hereby further amended by deleting Subsections 112.1, 112.2, 112.3, 112.4, 112.5, 112.6, and 112.7 thereof in their entirety.

SECTION 4: That Section 4-6-2 of the City Code, "Amendments", is hereby further amended to read as follows:

Means Of Appeal: This Section shall be deleted in its entirety from the 2003 International Plumbing Code, adopted hereby.

SECTION 5: That Section 4-6-2 of the City Code, "Amendments", is hereby further amended by deleting Subsections (A), (B), (C), (D), (E), (F), and (G) thereof in their entirety.

SECTION 6: That the portion titled "Appeals" of Section 4-7-3 of the City Code, "Amendments", is hereby further amended to read as follows:

Appeals: This Section shall be deleted in its entirety from the 2005 National Electrical Code, adopted hereby.

SECTION 7: That the portion titled "Appeals" of Section 4-7-3 of the City Code, "Amendments", is hereby further amended by the deletion of Subsections (A), (B), (C), (D), (E), (F), and (G) thereof in their entirety.

SECTION 8: That Subsection 109.0, "Means of Appeal", of Section 4-9-2 of the City Code, "Amendments", is hereby further amended to read as follows:

109.0: Means Of Appeal: This Section shall be deleted in its entirety from the 2003 International Mechanical Code, adopted hereby.

SECTION 9: That Section 4-9-2 of the City Code, "Amendments", is hereby further amended by deleting Subsections 109.1, 109.2, 109.3, 109.4, 109.5, 109.6, and 109.7 thereof in their entirety.

SECTION 10: That Subsection R112, "Means of Appeal", of Section 4-11-2 of the City Code, "Amendments", is hereby further amended to read as follows:

R112: Means Of Appeal: This Section shall be deleted in its entirety from the code adopted hereby.

SECTION 11: That Subsection R112, "Means of Appeal", of Section 4-11-2 of the City Code, "Amendments", is hereby further amended by the deletion of Subsections (A), (B), (C), (D), (E), (F), and (G) thereof in their entirety.

SECTION 12: That Title 4, Chapter 18 of the City Code, "Property Services Board", is hereby deleted in its entirety.

SECTION 13: That Subsection PM 111, "Means of Appeal", of Section 5-1-3 of the City Code, "Amendments", is hereby further amended to read as follows:

Section PM 111 Means Of Appeal

Section 111 Means of appeal is hereby deleted in its entirety.

SECTION 14: That Section 5-1-3 of the City Code, "Amendments", is hereby further amended by deleting Subsections 112.1, 112.2, 112.3, 112.4, 112.5, 112.6, and 112.7 thereof in their entirety.

SECTION 15: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 16: That if any provision of this Ordinance 83-O-09 or application thereof to any person or circumstance is held 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 application of this ordinance is severable.

SECTION 17: That this Ordinance 83-O-09 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 29, 2009


Approved:

Adopted: October 12, 2009

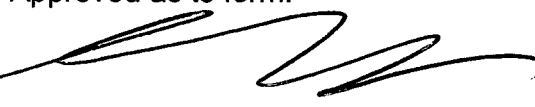
October 14, 2009


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

