

70-O-19

AN ORDINANCE

Amending Portions of the City Code Regarding the Scope of Authority of Hearing Officers

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: City Code Section 11-1-9, "Scope of Authority of Hearing Officers," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

11-1-9. - SCOPE OF AUTHORITY OF HEARING OFFICERS.

Hearing Officers will preside over adjudicatory hearings. The authority of a Hearing Officer will encompass all acts necessary to conduct fair and impartial adjudicatory hearings, including, but not limited to:

- (A)** Hear testimony and accept evidence that is relevant to the existence of the Code violation.
- (B)** Administer oaths and affirmations to witnesses.
- (C)** Subject to City Code Section 11-1-10, at the request of any party or on the Hearing Officer's own motion, issue subpoenas for the attendance of relevant witnesses and/or the production of relevant books, records, or other information.
- (D)** Preserve the record of the hearing, including all exhibits and evidence admitted into the record at the hearing.
- (E)** Issue a determination based upon a review of the notice of violation, citation, ticket, or other charging document (any of which will constitute a "charging document" under this Title) and on the evidence admitted, which determination will be final for purpose of judicial review under the Illinois Administrative Review Law, 735 ILCS 5/3 et seq. The determination will be in writing, will be signed by the Hearing Officer, and will be designated as finding(s), decision and order.
- (F)** Upon finding a respondent liable for violating one or more Code provisions, impose penalties as provided by the governing penalty provision; except, however, that in no event will a Hearing Officer have authority to: 1) impose a penalty of incarceration; or 2) impose a fine in excess of fifty thousand dollars (\$50,000.00). When applicable, each day a code provision is found to have been violated by the respondent, will constitute a separate offense, and each separate

offense subjects the respondent to the penalty provided by the governing penalty provision. The Hearing Officer may also:

1. Tax administrative and/or enforcement costs and when applicable, tax incurred by the City for effecting compliance with Code provision(s) for which a respondent has been found liable.
 2. Order, in addition to fines or costs, the respondent to comply with code provision(s) found to have been violated, and, if appropriate, order the respondent to post a compliance bond as provided by City Code Subsection 11-1-16(B)(1).
 3. Order, in addition to or in lieu of fines imposed or costs, the respondent to perform a term of community service.
- (G) Follow the policies, procedures and legislation set forth in this Code, except where discretion is specifically vested in the Hearing Officer. A Hearing Officer is authorized to waive the fine and/or costs that otherwise would be imposed upon finding a respondent liable for one (1) or more Code violations when the Hearing Officer specifically finds as a matter of fact that the violation(s) occurred under such circumstances as to a reasonable person would constitute an excuse for the violation(s).
- (H) Rule upon motions, objections and the admissibility of evidence.
- (I) Ask questions of the parties and witnesses to ensure the clarity and completeness of the testimony and the record.
- (J) Regulate the course of the hearing in accordance with this Chapter, the rules adopted by the Chief Financial Officer or his/her designee for the conduct of administrative hearings, and other applicable law.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Ordinance 8-O-19 shall be in full force and effect after its passage and approval.

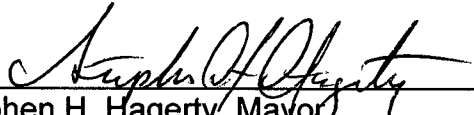
SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: July 8th, 2019

Approved:

Adopted: July 8th, 2019

July 8th, 2019



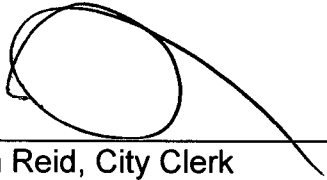
Stephen H. Hagerty, Mayor

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel

Attest:



Devon Reid, City Clerk