

Exhibit B: Proposed Amendments to Chapter 94 of the Lake County, Illinois Code of Ordinances

Amendment #1: Amend Section 94.56 to read as follows:

§ 94.56 NOTICE OF HEARINGS; SUBPOENAS; DEFAULT

(A) All administrative hearings shall be conducted on the date set for hearing. For good cause shown, a continuance may be granted at the discretion of the Hearing Officer. Lack of preparation or lack of material progress in resolving the violation shall not be grounds for a continuance. Continuances shall not go beyond 65 days.

(B) At any time prior to the hearing date, at the request of the Enforcement Officer, the attorney for the county, the respondent, or the attorney for the respondent, the Hearing Officer assigned to hear the case may issue subpoenas directing witnesses to appear and give testimony at the hearing or for the production of relevant documents. Service of the subpoena shall be the responsibility of the requesting party.

(C) If, at the time set for hearing, the respondent or his or her attorney fails to appear, the Hearing Officer shall proceed with the hearing and accept evidence relating to the existence of an ordinance violation. At the close of the hearing, upon sufficient evidence of a violation, the Hearing Officer may enter a default judgment of liability against the respondent and impose fines and assess costs. A copy of the order of default shall be served promptly in any manner for service of a notice of violation permitted by § [94.55](#) and applicable to the violation. A copy of the default judgment, which is a final determination, shall apprise the respondent of the procedure for setting aside the default judgment and also shall apprise the respondent of the availability of an appeal of the default judgment to the Circuit Court for the 19th Judicial Circuit, Lake County, IL.

(D) A respondent against whom a default judgment has been entered may file a motion with the Code Enforcement Unit to set aside the default judgment and for a new hearing. A motion to set aside a default judgment shall be filed within 21 days of entry of the default judgment. A motion to set aside a default judgment shall set forth the reason(s) the respondent failed to appear on the original hearing date. The motion will be heard and ruled upon by the Hearing Officer at the next scheduled hearing date. If the judgment is set aside, a new hearing date will be set.

(Ord. 12-0447, passed 5-8-2012; Ord. 13-0739, passed 7-9-2013)

Amendment #2: Amend Section 94.62 to read as follows:

§ 94.62 COLLECTIONS OF UNPAID FINES AND OTHER SANCTIONS

(A) For any fine, other sanction or costs imposed, or any part of any fine, other sanction or costs imposed, remaining wholly unpaid after 35 days of the fine, other sanction or cost being assessed, a late fee of 100% may be assessed.

(B) Additionally, any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the Administrative Review Law is a debt due and owed to Lake County and, as such, may be collected in accordance with applicable law.

(Ord. 12-0447, passed 5-8-2012; Ord. 13-0739, passed 7-9-2013)

Amendment #3: Amend Section 94.81 to read as follows:

§ 94.81 WARNING OF VIOLATION

The Enforcement Officer, as defined in § [94.80](#), shall have the authority to issue a warning of ordinance violation when an individual or owner has been found to be, or may be, in violation of any section of the public nuisances subchapter, or any Lake County ordinance as stipulated in §94.52. The warning of ordinance violation may be provided by any of the following methods: (1) by posting a warning of ordinance violation on the property; (2) personally handing a warning of ordinance violation to the individual found to be in possession or control of the property; or (3) in the form of a letter, sent via regular U.S. mail, to the owner of the property. The warning shall, at a minimum, identify the violation for which it is being issued, shall include the address where the violation, or potential violation, is located, shall require the violator and/or property owner to cease the violation(s) or abate the violation(s) within no less than seven days, and shall state that a notice of ordinance violation may be issued if the violation, or potential violation, has not ceased nor has been abated.

(Ord. 13-0739, passed 7-9-2013)