

CHAPTER 38: CITY ADMINISTRATIVE HEARING SYSTEM

SECTION

38.001	Purpose
38.002	Establishment of Administrative Hearing System
38.003	Hearing Procedures Non-Exclusive
38.004	Administrative Composition
38.005	Hearing Officer
38.006	Code Enforcement Administrator
38.007	Violation Notice
38.008	Service
38.009	Hearings
38.010	Liability For Failure To Appear At Hearing
38.011	Nonresident Procedures
38.012	Certified Report and Contesting Certified Report
38.013	Judicial Review
38.014	Debt to the City
38.015	Enforcement of Judgments
38.016	Schedule of Fines/Penalties
38.017	Administrative Costs and Interest Charges

Sec. 38.001 Purpose.

The purpose of this Chapter is to provide for the fair and efficient enforcement of the City ordinances delineated in this Chapter through an administrative adjudication process and by establishing a schedule of fines and penalties.

Sec. 38.002 Establishment of Administrative Hearing System.

There is hereby established and created within the City a Code Hearing Unit that shall administer an Administrative Hearing System to enforce and adjudicate violations ("Violations") of the following Titles of "The Highland Park Code of 1968" (the "Code"), and all chapters within such Titles, as the same have been, and may from time to time hereafter be, amended:

- (A) Title V, Public Utilities.
- (B) Title VII, Traffic Regulations.
- (C) Title IX, General Regulations.
- (D) Title XI, Business Regulations.
- (E) Title XIII, Misdemeanors.
- (F) Title XV, Land Usages.
- (G) Title XVII, Building Regulations.

(H) Such other City ordinances and Code provisions as the City Council may, from time-to-time, designate in accordance with applicable law.

Sec. 38.003 Hearing Procedures Non-Exclusive.

The provisions of this Chapter shall not preclude the City from using other methods or proceedings to enforce and adjudicate the Code or other ordinances of the City, including, without limitation, the institution of an action in the Lake County Circuit Court, the United States District Court, or any administrative proceeding.

Sec. 38.004 Administrative Composition.

The Code Hearing Unit shall consist of one or more Hearing Officers, one or more Code Enforcement Administrators, and hearing room personnel, all with the power, authority, and limitations as set forth in this Chapter.

Sec. 38.005 Hearing Officer.

(A) Appointment. The Mayor, with the advice and consent of the City Council, shall appoint one or more qualified Hearing Officers to perform the functions set forth in this Section.

(B) Term. The term of a Hearing Officer shall be for a term not to exceed two years; provided, however, that the City Council may remove a Hearing Officer with or without cause. (**Ord. 12-11, J. 37, p. 32, passed 2/14/11**)

(C) Qualifications. To qualify as a Hearing Officer, an individual must:

(1) Be an attorney licensed to practice law in the State of Illinois for at least three years;

(2) Be in good standing with the Illinois Supreme Court Attorney Registration and Disciplinary Commission; and

(3) Complete a formal training program conducted by the City Manager and the City Corporation Counsel consisting of:

(a) Instruction on the rules of procedure for administrative hearings;

(b) Orientation to each subject area of the Code that will be adjudicated;

(c) Observation of hearings conducted by Illinois municipalities that have adopted the administrative hearing system; and

(d) Participation in hypothetical hearings, including ruling on evidence and issuance of final orders.

(D) Compensation. Authorization for compensation for a Hearing Officer shall be made by the City Council through the City's annual budget process. Compensation shall be determined by the City Manager within approved budget limitations.

(E) Authority and Jurisdiction. Hearing Officers are hereby authorized, empowered, and directed to:

(1) Hear testimony and accept evidence that is relevant to the allegation

of a Violation;

(2) Issue subpoenas directing witnesses to appear and give relevant testimony at the Hearing, upon the request of the parties or their representatives;

(3) Preserve and authenticate the record of the Hearing, including all exhibits and evidence introduced at the Hearing;

(4) Issue a determination, based on the evidence presented at the Hearing, on whether a Violation occurred or exists. The Hearing Officer's determination shall be in writing and shall include a written finding of fact, decision, and order, including any corrective measures, the fine, penalty, and interest charges, or other action with which the defendant must comply;

(5) Impose penalties consistent with applicable Code provisions, order the defendant to obtain a compliance bond, and require the defendant to take corrective measures to cure the Violation upon finding a defendant liable for the charged Violation, except as expressly provided in this Chapter;

(6) Impose administrative costs in an amount not less than the minimum amount set by the City Council in a resolution adopted pursuant to Section 38.017, upon finding a defendant liable for the charged Violation. The Hearing Officer shall have no authority to waive, or impose an amount less than the minimum amount set by the City Council; provided, however, that the Hearing Officer may waive administrative costs for adjudged violations of Chapters 72, 73, 74, or 77 of Title VII of the Code. (Ord 02-02, J. 28, p. 9, passed 1/14/02) (Ord 09-13, J. 39, p.16-20, passed 01/28/13)

(7) Impose interest charges not less than the minimum amount set by the City Council in a resolution adopted pursuant to Section 38.017, if a defendant fails to pay the penalty, fine or administrative costs set by the Hearing Officer on the day of the hearing; provided, however, that the Hearing Officer shall have no authority to waive, or impose interest charges in an amount less than, the minimum interest charges set by the City Council; and

(8) Postpone or continue a defendant's Hearing to a later Hearing date;
and

(9) Require, for Violations involving the possession or consumption of alcoholic beverages or the possession of cannabis or drug paraphernalia, that a defendant complete, and provide proof of completion of, a specified period of community service with an organization designated by the City Manager in consultation with the Chief of Police. Such community service may include, without limitation, a specific period of attendance at a designated educational program or the receipt of counseling related to substance abuse. This community service requirement may be imposed in addition to, or in lieu of, any applicable fines and administrative costs for the Violation. (Ord 09-13, J. 39, p. 30-31, passed 01/28/13) **(Ord 19-13, J. 39, p. 30-31, passed 02/11/13)**

Sec. 38.006 Code Enforcement Administrator.

(A) Appointment. The City Manager shall appoint one or more Code Enforcement Administrators to perform the functions set forth in this Section. The Code

Enforcement Administrator may be an employee of the City or may be an independent contractor or agency contracted by the City Manager and be compensated in an amount, as determined by the City Manager.

(B) Authority and Jurisdiction. The Code Enforcement Administrator is hereby authorized, empowered, and directed to:

(1) Promulgate rules and regulations reasonably required to manage the Administrative Hearing System;

(2) Adopt, distribute, and process all notices as may be required under this Chapter, or as may reasonably be required to carry out the purpose of this Chapter;

(3) Collect payments made as a result of fines and/or penalties assessed and transmit such payments to the Director of Finance (Ord. 18-05, J. 31, p. 049, passed 4/11/05);

(4) Certify reports to the Illinois Secretary of State concerning initiation of suspension of driving privileges in accordance with the provisions of this Chapter and those of 625 ILCS 5/6-306.5;

(5) Refer to the Director of Finance the collection of unpaid fines and penalties through private collection agencies that the City may retain or by filing complaints in the Lake County Circuit Court; or select or appoint an individual or agency to act on behalf of the City in filing complaints, seeking judgments for unpaid fines or penalties and pursuing all post-judgment remedies available under current law (Ord. 18-05, J. 31, p. 049, passed 4/11/05);

(6) Certify copies of findings, decisions and orders adjudicated pursuant to this Chapter, and any factual reports verifying the findings, decisions and orders that are issued in accordance with this Chapter or the laws of the State of Illinois; and (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(7) Oversee the operation and maintenance of the computer programs for the Administrative Hearing System, including, without limitation:

(a) Inputting information for the Violation Notice;

(b) Establishing Hearing dates and notice dates;

(c) Recording fine and penalty assessment and payments;

(d) Issuing payment receipts;

(e) Issuing notices of Hearing dates, notices of default, such other notices as may be necessary to implement the Administrative Hearing System, and final notices; and (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(f) Keeping accurate records of appearances and non-appearances at Hearings, pleas entered, fines, and other penalties assessed and paid.

(8) Postpone or continue a defendant's Hearing to a later Hearing date, if such request is made prior to the first scheduled Hearing date. Such a determination shall be at the sole discretion of the Code Enforcement Administrator.

Sec. 38.007 Violation Notice.

(A) A notice of any Violation (“Violation Notice”) shall be issued by the persons authorized under this Chapter, shall contain information as to the nature of the Violation, shall be certified, and shall constitute prima facie evidence of the Violation cited.

(B) All full-time, part-time and auxiliary police officers, as well as other individuals holding positions in any department of the City and specifically authorized by the City Manager pursuant to an Administrative Order, shall have the authority to issue Violation Notices.

(C) Any individual authorized to issue Violation Notices who detects a Violation, is authorized to issue a Violation Notice thereof and shall serve the Violation Notice only in the manner set forth in this Section.

(D) For Violations of Chapters 72, 73, 74, or 77 of Title VII of the Code, for Automated Traffic Law Violations pursuant to Chapter 71 of this Code, and for Violations of any Chapter of the Code that has a penalty provision that permits the pre-payment of fines, an individual authorized by the City Manager shall issue an initial ticket in compliance with the most current policies and procedures of the ticket issuer’s City Department (the “Initial Ticket”). In lieu of paying the fine provided in the Initial Ticket, the defendant may request a Hearing. If the defendant requests a Hearing, then the City Department shall issue a Violation Notice to the defendant in accordance with Section 38.008, containing the information required by Subsection 38.007(E). (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01; Ord. 15-09, J. 35, p. 023-031, passed 1/26/09)

(E) A Violation Notice (except for Automated Traffic Law Violations, which shall contain the information set forth in Section 71.271(F) of this Code) shall contain, without limitation, the following information:

- (1) The date, time and location of the alleged Violation;
- (2) The name and address of the defendant, if known;
- (3) The type and nature of the alleged Violation;
- (4) The signature of the person issuing the Violation Notice;
- (5) The date, time, and location of the Hearing;
- (6) The legal authority and jurisdiction under which the Hearing is to be held; and

(7) The penalties for failure to appear at the Hearing. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01; Ord. 15-09, J. 35, p. 023-031, passed 1/26/09)

Sec. 38.008 Service.

(A) Service of a Violation Notice (except for service of Automated Traffic Law Violations, which shall be served pursuant to Section 71.271(F) of this Code) shall be made as follows:

(1) Handing the notice to the person responsible for the Violation or handing it to his or her employee or agent;

(2) Leaving the notice with any person thirteen years of age or older at the residence of the responsible person, and informing that person of the contents of the summons, provided the person making service shall also send a copy of the summons in a sealed envelope with postage fully prepaid, addressed to the defendant at his or her usual place of abode;

(3) Service on corporations or partnerships shall be in accordance with the Illinois Code of Civil Procedure. (735 ILCS 5/2-201 *et seq.*)

(4) Mailing the notice by certified mail, return receipt requested, to the last known address of record of the individual/entity or his or her/its registered agent; or

(5) Posting the notice upon the property where the Violation is found when the person alleged to have committed the Violation is the owner, manager, or tenant of the property, and serving the owner/manager or agent therefor. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01; Ord. 15-09, J. 35, p. 023-031, passed 1/26/09)

(B) The correctness of facts contained in any Violation Notice shall be certified as follows:

(1) By the person issuing the notice through signing his or her name to the notice at the time of issuance; or

(2) In the case of a notice produced by a computer device or for an Automated Traffic Law Violation, by signing a single certificate to be kept by the Code Enforcement Administrator, attesting to the correctness of all notices produced by the device while under his or her control. (Ord. 15-09, J. 35, p. 023-031, passed 1/26/09)

(C) The Code Enforcement Administrator shall retain the original or a facsimile of the Violation Notice and keep it as a record in the ordinary course of business.

(D) The Violation Notice or a copy thereof shall be admissible in any subsequent administrative or judicial proceeding to the extent permitted by law.

Sec. 38.009 Hearings

All Hearings conducted under the Administrative Hearing System shall be conducted by a Hearing Officer and shall be in accordance with the following rules and procedures:

(A) The date, time, and place shall be set forth in the Violation Notice, or such additional notices as are issued in accordance with this Chapter, provided that for Hearings scheduled in all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after service of process to prepare for a Hearing. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, health, or welfare. If service is provided by mail, the 15-day period shall begin to run on the date that the notice is deposited in the mail.

(B) The Hearings shall be tape recorded.

(C) The parties may be represented by counsel, present witnesses, and cross-examine opposing witnesses.

(D) Parties may request the Hearing Officer to issue, and the Hearing Officer shall have the authority to issue, subpoenas to direct the attendance and testimony of relevant witnesses and produce relevant documents.

(E) The formal and technical rules of evidence shall not apply. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs.

(F) Each Hearing shall culminate in a determination of liability or nonliability by the Hearing Officer, or a determination of liability based upon the failure of the defendant to appear at the scheduled Hearing, whichever occurs first.

(G) Pursuant to, and subject to the limitations set forth in, Subsections 38.005(E)(5) and 38.005(E)(7), the Hearing Officer shall, upon a determination of liability, have the discretion to assess fines and penalties in accordance with the Code, assess interest charges for late payments, and order the defendant to undertake corrective actions to remedy the Violation. In addition, pursuant to, and subject to the limitations set forth in, Subsection 38.005(E) (6), the Hearing Officer shall assess administrative costs upon finding a defendant liable for the charged Violation. In no event shall the Hearing Officer have authority to: (a) impose a penalty of incarceration; or (b) impose a fine in excess of \$50,000 for a Violation. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(H) The maximum monetary fine imposed under this Chapter shall be exclusive of administrative costs, costs of enforcement, interest charges for late payments, or costs incurred by the City to secure compliance with the City's Code and ordinances, and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the City.

(I) Hearing room personnel shall be designated and appointed by the City's Chief of Police and shall be authorized and directed to:

(1) Maintain hearing room decorum;

(2) Execute authority as is granted to courtroom deputies of the Lake County Circuit Court; and

(3) Perform such other duties or acts as may reasonably be required and as directed by the Hearing Officer or the Code Enforcement Administrator.

Sec. 38.010 Liability For Failure To Appear At Hearing.

(A) Default. If at the time set for Hearing, the defendant, or his attorney or agent of record, fails to appear, and the Hearing was neither postponed by the Code Enforcement Administrator, pursuant to his or her authority under Subsection 38.006(B)(8), nor continued by the Hearing Officer pursuant to his or her authority under

Subsection 38.005(E)(8), the Hearing Officer may enter a finding of default within the findings, decision and order and impose liability against the defendant including the assessment of fines and administrative costs. A copy of the finding of default, which is a final determination, shall be sent promptly to the defendant by first-class mail, postage prepaid, and shall apprise the defendant of the procedure for setting aside the finding of default and shall also apprise the defendant of the availability to appeal the finding of default to the Lake County Circuit Court. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(B) Set Aside of Default. A written petition to set aside a finding of default may be filed by a person owing an unpaid fine or penalty assessed for a Violation, and shall be considered, in accordance with the following procedures:

(1) The petition must be filed with the Hearing Officer not later than 21 days from the date on which the finding of default was made, however, a defendant may file a petition to set aside the finding of default at any time if such defendant establishes that the City did not provide proper service of process.

(2) The Hearing Officer shall render a decision on a timely filed set-aside petition after the date of receipt of the petition.

(3) The grounds for setting aside a finding of default shall be limited to the following:

(a) The person, against whom the finding of default is made, not being the owner or lessee of the cited vehicle or not being the owner, tenant, or manager of the cited property on the date the Violation Notice was issued;

(b) The person having paid the fine or penalty prior to the finding of default for the Violation in question;

(c) Excusable failure to appear at or request a new date for any Hearing; or

(d) The defendant establishes that the City did not provide proper service of process.

(4) Should the finding of default be set aside, the Hearing Officer shall notify the defendant that the finding of default has been set aside, as well as any administrative costs, and of the date, time and place for a Hearing on the merits of the Violation for which the finding of default has been set aside by first-class mail, postage prepaid, to the address set forth on the petition hereunder, and service thereof shall be complete on the date the notice is deposited in the United States mail. The Hearing Officer shall have authority to enter an order extinguishing any lien that has been recorded for any debt due and owing the City as a result of the vacated finding of default. When a finding of default is vacated, the Hearing Officer shall set a new date for a Hearing on the underlying Violation.

Sec. 38.011 Nonresident Procedures.

Any nonresident of the City who has been served a Violation Notice for Violation of any provision of Chapters 72, 73, 74, or 77 of Title VII of the Code may contest the alleged Violation on its merits without personally appearing at a Hearing by:

(A) Requesting and completing, in full, the "Nonresident Request for Hearing—Nonappearance Form"; (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(B) Acknowledging in the space specified in the Form that his or her personal appearance is waived and submitting to an adjudication based upon the notarized statement filed by him or her and the facts contained in the Violation Notice; (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(C) Filing the Form with the Code Enforcement Administrator postmarked by the 25th of the month, if the Violation Notice was issued between the first through the 15th day of that month; or postmarked by the 10th of the month, if the Violation Notice was issued between the 16th of and the last day of the immediately preceding month. The filing shall be deemed completed if postmarked by the due dates herein specified; (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(D) Filing a notarized statement of facts specifying the grounds for challenging the Violation Notice with the Code Enforcement Administrator in conjunction with the Violation Notice;

(E) The Hearing Officer shall make a decision based upon the facts set forth in the notarized statement of facts filed by the nonresident and as contained in the Violation Notice;

(F) Notice of the determination of the Hearing Officer shall be served upon the nonresident by first-class mail, postage prepaid, addressed to the nonresident at the address set forth in the statement of facts submitted; and

(G) Service of the notice of such determination shall be complete on the date the notice is deposited in the United States mail.

Sec. 38.012 Certified Report and Contesting Certified Report.

(A) A notice of impending suspension of a person's drivers license shall be sent to any person determined to be liable for the payment of any fine or penalty that remains due and owing on ten or more vehicular standing, parking or compliance Violations under 625 ILCS 5/6-306.5. It shall state that the failure to pay the fine or penalty owing within 45 days of the date of the notice shall result in the City notifying the Secretary of State that the person is eligible for initiation of suspension proceedings. This notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the City along with a request for the photostatic copy. Such notice shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

(B) Upon a failure to pay fines and penalties deemed due and owing the City pursuant to Chapters 72, 73, 74, or 77 of Title VII of the Code or for Automated Traffic Law

Violations pursuant to Section 71.271 of this Code, and after the exhaustion of the procedures set forth herein, the Code Enforcement Administrator shall make a certified report, pursuant to 625 ILCS 5/6-306.5(c), to the Secretary of State stating that the owner or lessee of a registered vehicle has failed to pay the fine or penalty due and owing the City as a result of ten or more such Violations of Chapters 72, 73, 74, or 77 of Title VII of the Code, or five or more Automated Traffic Law Violations pursuant to Section 71.271 of this Code, and thereby shall initiate the suspension of that person's drivers license. (Ord. 15-09, J. 35, p. 023-031, passed 1/26/09)

(C) The Code Enforcement Administrator shall take no further action thereafter unless and until the fines and penalties due and owing the City are paid or upon determination under subsection C and D hereof that the inclusion of the person's name on the certified report was in error. At either such time, the Code Enforcement Administrator shall submit to the Secretary of State a notification that shall result in the halting of a drivers license suspension proceeding pursuant to 625 ILCS 5/6-306.5(d). The person named therein shall receive a certified copy of such notification upon request and at no charge.

(D) Persons may challenge the accuracy of the certified report by completing and filing within 21 days of the date of the Secretary of State's notice under 625 ILCS 5/6-306.5(b) a form provided by the Code Enforcement Administrator specifying the grounds on which such challenge is based. Grounds for challenge shall be limited to the following:

(1) The person was neither the owner nor the lessee of the vehicle receiving the 10 or more applicable Violation Notices on the date or dates such notices were issued; or

(2) The person has paid the fine and penalty for the 10 or more Violations indicated on the certified report.

(E) The Code Enforcement Administrator shall give notice of a determination thereupon within 14 days of receipt of the form and shall notify the person filing the challenge of the determination, and, if applicable, shall notify the Secretary of State.

Sec. 38.013 Judicial Review.

Any final decision by a Hearing Officer that a Violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq.).

Sec. 38.014 Debt to the City.

Any fine, penalty, or part of any fine or penalty assessed in accordance with the provisions of this Chapter and remaining unpaid after the exhaustion of, or the failure to exhaust, administrative procedures under this Chapter and the conclusion of any judicial review procedures, shall be a debt due and owing the City, and, as such, may be collected in accordance with applicable law and as provided in Section 38.015.

Sec. 38.015 Enforcement of Judgments.

(A) Fines. All fines and other monies to be paid to the City in accordance with this Chapter shall be remitted to the City and deposited in the appropriate City account as designated by the City Manager.

(B) Compliance Bond.

(1) In order to ensure that Violations are remedied in a timely manner, the Hearing Officer, upon issuing a determination of liability that includes an order of compliance, shall have the authority to order the defendant in the case to obtain a bond ("Compliance Bond") to ensure defendant's timely compliance in correcting the Violation. Any Compliance Bond ordered pursuant to this Subsection 38.015(B) shall name the City as a beneficiary and shall be in the amount specified by the Hearing Officer, provided that the amount of the Compliance Bond shall be reasonably related to the cost of compliance, including any applicable fines, and penalties and Enforcement Costs, as hereafter defined. If the defendant fails to remedy in a timely manner the Violation for which a Compliance Bond has been ordered and issued, and the City undertakes remediation or otherwise expends funds related to the Violation for which a Compliance Bond has been ordered and issued, the Hearing Officer, after giving the parties notice and an opportunity to be heard, as provided in Subsection 38.015(F), may issue an order permitting the City to draw against the Compliance Bond in an appropriate amount. The Hearing Officer shall order the Compliance Bond amount, less the reasonable costs incurred by the City, returned to the defendant upon proof of compliance.

(2) In the event a defendant ordered to secure a Compliance Bond as provided by this Subsection 38.015(B), seeks judicial review of that portion of the Hearing Officer's order requiring a Compliance Bond and prevails on that issue, the City shall release the Compliance Bond, and if the City has drawn against the Compliance Bond, the City shall refund to the defendant the total amount drawn within 30 days of receiving a copy of the reviewing court's mandate.

(C) Expiration of Judicial Review Period. After expiration of the period that judicial review under the Illinois Administrative Review Law may be sought, 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.

(D) Liability for City Enforcement Expenses. If the defendant fails to comply with a judgment ordering the defendant to correct a Violation or imposing any fine or other sanction, any expenses incurred by the City to enforce the judgment entered against that defendant, including, without limitation, administrative costs, attorney's fees, court costs, and costs related to property demolition or foreclosure (collectively "Enforcement Expenses"), after they are fixed by a court of competent jurisdiction, or by a Hearing Officer in accordance with Subsection 38.015(F), shall be a debt due and owing the City and may be collected in accordance with applicable law, including, without limitation, drawing against any Compliance Bond.

(E) Lien on Property. In addition to all other enforcement action set forth in this Chapter, the Hearing Officer, after providing the notice and opportunity to be heard, in accordance with Subsection 38.015(F), shall have the right to impose a lien on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the City for any Violation under this Chapter, including any and all Enforcement Expenses.

(F) Final Notice and Hearing. Prior to (a) imposing Enforcement Expenses pursuant to 38.015(D); or (b) imposing a lien pursuant to 38.015(E), the Hearing

Officer shall conduct a Hearing pursuant to notice sent by first-class mail, postage prepaid not less than seven days prior to the date of the Hearing. The defendant's failure to appear at such Hearing shall not preclude the Hearing Officer from imposing Enforcement Expenses or a lien. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

Sec. 38.016 Schedule of Fines/Penalties.

For a Violation of any City ordinance, fines and penalties shall be as established from time to time by the Mayor and City Council. (Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)

Sec. 38.017 Administrative Costs and Interest Charges.

Administrative costs and interest charges assessed pursuant to this Chapter shall be in the amounts established, from time to time, by the City Council pursuant to an Administrative Hearings Costs and Interest Charges Schedule Resolution.

(Chapter 38 added by Ord. No. 79-00, J. 26, p. 351-364, passed 11/13/00, effective 01/01/01; amended in its entirety by Ord. No. 08-01, J. 27, p. 038-055, passed 2/12/01; amended in its entirety by Ord. 47-01, J. 27, p. 209-222, passed 8/13/01)