


VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue)   X   Waiver of First Requested  
       Recommendations of Boards, Commissions & Committees (Green)  
       Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: Scott R. Niehaus, Village Manager  
DATE: June 7, 2016 (B of T) Date: June 16, 2016  
TITLE: Amendments to Chapter 12: Prosecution of Ordinance Violations  
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Title I, Chapter 12 of the Lombard Village Code in regard to the prosecution of ordinance violations.

Staff recommends a waiver of first reading of the ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** June 16, 2016

**SUBJECT:** **Amendments to Chapter 12: Prosecution of Ordinance Violations**

As part of staff's review of process and code review provisions, Village Counsel identified a provision within Chapter 12.10 pertaining to the prosecution of ordinance violations that had not been properly amended. Sometime between 1991 and 2009 the fees for a violation notice (attached) had been adjusted, but the provisions of Chapter 12 were not properly amended.

Staff is bringing this matter to the Village Board accordingly as a housekeeping matter. Attached is an ordinance that will:

1. Include a reference to the use of Administrative Adjudication in addition to court;
2. Memorialize the current fee structure within Chapter 12; and
3. Correct naming conventions of the Community Development Department.

This amendment does not change enforcement operations and staff will still strive for compliance rather than fines. Utilization of the compliance ticket option has been intended to be an option, when deemed appropriate, to encourage compliance after a notification had been sent to a property owner but before a formal ticket requiring a court appearance is issued.

### **ACTION REQUESTED**

Please place this item on the June 16, 2016 Village Board agenda for review and approval. Staff also recommends a waiver of first reading of the ordinance



**NOTICE OF VIOLATION** No. **3400**  
**VILLAGE OF LOMBARD**  
 Village Hall - 255 E. Wilson Ave.  
 Lombard, Illinois 60148

**FEE DUE: \$50.00**  
**After 72 hours: \$100.00**

**THIS IS NOT A TICKET REQUIRING A COURT APPEARANCE**  
 This is a notice of violation of Village Ordinance issued on  
 (date) \_\_\_\_\_  
 by (dept.) \_\_\_\_\_  
 to (name) \_\_\_\_\_  
 at (address) \_\_\_\_\_

The purpose of the NOTICE OF VIOLATION is to advise you  
 that Title \_\_\_\_\_, Chapter \_\_\_\_\_, Section \_\_\_\_\_, of the  
 Village of Lombard, Code of Ordinances, is being violated at  
 (location of violation) \_\_\_\_\_  
 as follows: (violation) \_\_\_\_\_

You are required to pay a fee of \$50.00 for the Village's en-  
 forcement program and correct the violation within 72 hours  
 of receiving this notice. After 72 hours the amount due  
 increases to \$100.00

**FEE PAYMENT AND EVIDENCE OF VIOLATION CORRECTION**  
**Must be mailed or presented to the Bureau of Inspection**  
**Services within the times listed above.**

Failure to correct the violation and pay the enforcement fee  
 within 10 days of receiving the VIOLATION NOTICE, will result  
 in the issuance of a NON-TRAFFIC ARREST TICKET, requiring a  
 court appearance and possible fines as provided by  
 ordinance. If you have any questions regarding this matter  
 please contact \_\_\_\_\_  
 at \_\_\_\_\_ Phone No. \_\_\_\_\_

Served by: \_\_\_\_\_

Received by: \_\_\_\_\_

Violation Corrected: Date \_\_\_\_\_

Approved by \_\_\_\_\_

Fee Due: \$ \_\_\_\_\_ Account # 010-322.78

**KTJ**

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## MEMORANDUM

To: Keith Steiskal, Building Official

From: Tom Bayer, Village Attorney **Via email only**

Date: May 23, 2016

Subject: **Compliance Tickets - Penalty**

Per your request, attached please find the following Ordinance for approval at a future Village Board meeting:

### AN ORDINANCE AMENDING TITLE I, CHAPTER 12 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE PROSECUTION OF ORDINANCE VIOLATIONS

As directed, Section 2 increases the compliance citation fines from \$10.00 and \$20.00, to \$50.00 and \$100.00, respectively. Please note that I have also added Section 1, which makes a technical correction to the Village Code to address the Village's use of administrative adjudication, as an option in lieu of court relative to ordinance violations.

If there are any questions, please feel free to contact me.

**Tom**

encl.

cc: William Heniff, Director of Community Development

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE I, CHAPTER 12 OF THE  
LOMBARD VILLAGE CODE IN REGARD TO THE PROSECUTION OF  
ORDINANCE VIOLATIONS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That Title I, Chapter 12, Section 12.01(A) of the Lombard Village Code is amended to read in its entirety as follows:

“(A) Prosecution for the violation of any Village ordinance, except as set forth in subsection (B) below, and except as prosecuted through administrative adjudication pursuant to Chapter 12 or Chapter 100 of this Code, shall be in the Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois.”

**SECTION 2:** That Title I, Chapter 12, Section 12.10(A) of the Lombard Village Code is amended by revising the reference therein to “\$10.00” to read “\$50.00,” and by revising the reference therein to “\$20.00” to read, “\$100.00.”

**SECTION 3:** That Title I, Chapter 12, Section 12.10(B) of the Lombard Village Code is amended by revising the references therein to the “Department of Planning” to read the “Community Development Department”.

**SECTION 4:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk