

CHAPTER 1 GENERAL PROVISIONS

Sec. 1-1. Title¹:

This code shall constitute the official code of the village and shall be known and cited as the Justice Municipal Code. Any reference to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter heading, and to the penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal document.

(Code 1972, § 1-1-1; Ord. 2020-33, §1, 09-14-2020)

¹State law reference—Revision of ordinances, 65 ILCS 5/1-2-3-3.1.

Sec. 1-2. Acceptance In Courts, Etc.¹

This code shall be received without further proof as prima facia evidence of the contents, passage and legal publication of the ordinances included herein in all courts and in all administrative tribunals of this state.

(Code 1972, § 1-1-2; Ord. 2020-33, §1, 09-14-2020)

¹State law reference—Ordinance book as prima facie evidence, 65 ILCS 5/1-2-6.

Sec. 1-3. Catchlines Of Sections:

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1972; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-4. Definitions¹:

¹State law reference-Statutory construction, 5 ILCS 70/1 et seq.; definitions applicable to the Illinois Municipal Code, 65 ILCS 5/1-1-2; "street" defined, 625 ILCS 5/1-201.

Whenever the following words or terms are used in this code they shall have the meanings ascribed to them in this section, unless expressly excluded, repugnant to the subject-matter or context, or when such meaning would be inconsistent with the intent of the President and Board of Trustees.

Agent: An authorized person acting on behalf of another.

Board, Board Of Trustees: The Board of Trustees of the Village of Justice.

Code: The Justice Municipal Code and amendments thereto.

County: The County of Cook.

Datum: The word “datum” shall be so interpreted that all elevations shall refer to City of Chicago datum.

Fee: A sum of money charged by the village for the carrying on of a business, profession or occupation.

Fiscal Year: The fiscal year of the village shall be January 1 through December 31_of each year.

Knowingly: The word “knowingly” imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

License: The permission granted for the carrying on of an activity, business, profession or occupation, and/or as otherwise indicated within this Code.

Negligent: The word “negligent”, as well as “neglect”, “negligence” and “negligently”, imports a want of such attention to the nature of probable consequences of the act or omission as a reasonable person ordinarily bestows in acting in his own concern.

Nuisance: Anything offensive or obnoxious to the health and/or welfare of the inhabitants of the village; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

Occupant: The word “occupant”, applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Offense: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

Officers, etc.: Whenever reference is made in this code to an officer, employee, department, board or other agency by title only, this shall be construed as though followed by the words “of the Village of Justice”.

Operator: The person who is in charge of any operation, business or profession or part thereof.

Owner: The word “owner”, applied to a building or land, shall mean the record owner of such building or land and shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.

Person: Any natural individual, firm, trust, partnership, association or corporation in his or its own capacity or as administrator, conservator, executor, trustee, agent, receiver or other representative appointed by the court. Whenever the word “person” is used in any section of this code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of such section.

Personal Property: The term “personal property” shall include every description of money, goods, chattels, effects, evidence of rights in action and all written and/or electronic instruments

by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

Retailer: The word “retailer” shall be understood to relate to the sale of goods, merchandise, articles or products directly to the consumer.

Shall, Must, May, Should: The words “shall and must” are mandatory; the words “may and should” are permissive.

State: The State of Illinois.

Street: The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Tenant: The word “tenant”, applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Village: The Village of Justice, County of Cook, State of Illinois.

Wholesaler, Wholesale Dealer: The terms “wholesaler” and “wholesale dealer” shall be understood to relate to the sale of goods, merchandise, articles or products in quantity to persons who purchase for the purpose of resale.

Willfully: The word “willfully”, when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

(Code 1969, Ch. 2; Code 1972, § 1-3-2; Ord. 2009-25, § 2, 11-23-2009; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-5. Rules Of Construction¹:

The following rules of construction shall be observed as to all provisions of this code:

Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty.

Gender: A word importing the masculine gender shall apply to males, females and to firms, partnerships and corporations, and to all other persons.as defined in section [1-4](#) of this chapter.

Conflict: Whenever any specific provision of this code imposes greater restrictions upon a subject matter than a general provision, the more strict provision shall control.

Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order to effectuate the intent and meaning of the board of trustees.

Minimum Requirements: All provisions of this code shall be deemed to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

Number: Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

Tense: Words in the present tense include the future.

Technicality: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Written, In Writing: The terms “written” or “in writing” may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his properly witnessed mark.

(Code 1972, § 1-1-4; Ord. 2020-33, §1, 09-14-2020)

¹State law reference—Statutory construction, 5 ILCS 70/1 et seq.

Sec. 1-6. Interpretation:

In the interpretation of the provisions of each section of this code the following rules shall be observed:

(1) Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

(2) When the provisions of any section of this code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the person, shall be guilty of the offense described and liable to the penalty set forth.

(Code 1972, § 1-1-4; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-7. General Penalty¹:

Except where otherwise provided in this code, any person found in violation of any provision of this code shall be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. A separate and distinct offense shall be held to have been committed each day a violation occurs or continues.

(Code 1972, § 1-4-1; Ord. 95-30, § 1, 11-27-1995; Ord. 2012-24, § 1, 9-24-2012; Ord. 2020-33, §1, 09-14-2020)

¹State law references-Punishment for violations of ordinances, 65 ILCS 5/1-2-1 et seq.; enforcement of ordinances, 65 ILCS 5/1-2-7.

Sec. 1-7.1. Penalty For Uncollectible Checks:

Any person who presents any uncollectible check to the Village for payment of any fees, services, fines, bills or any other amounts due and owing to the village shall be assessed a penalty of fifty dollars (\$50.00) for each occurrence. This penalty fee must be paid prior to any license or permit being issued, or any bill being declared paid. Payment to redeem an uncollectible check shall be with cash, cashier's check or money order, paid to the order of the Village.

(Ord. 88-19, § 1, 7-25-1988; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-8. Revocation Of Village License Upon Conviction Of Code Violation:

When a person is convicted of a violation of any provision of this code any license previously issued to him or her by the village may be revoked by the court or the Village President.¹

(Code 1972, § 1-4-3; Ord. 2020-33, §1, 09-14-2020)

¹Cross reference-Business regulations, [Chapter. 3](#).

Sec. 1-9. Application Of General Penalty:

(a) The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each separate section. Any person found in violation of any provision of this code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

(b) The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(c) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code, and there is no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

(Code 1972, § 1-4-4; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-10. Liability Of Village Officers, Employees¹:

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Code 1972, § 1-4-5; Ord. 2020-33, §1, 09-14-2020)

¹Cross reference-Administration, [Chapter. 2](#).

Sec. 1-11. Severability¹:

The sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code or the application thereof to any person or circumstance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code or any other application thereof.

(Ord. of 9-21-1961; Code 1972, § 10-2-3; Ord. 2020-33, §1, 09-14-2020)

¹State law reference-Severability of statutes, 5 ILCS 70/1.31.

Sec. 1-12. Effect Of Code On Former Ordinances, Offenses, Penalties Pending Action:

(a) No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

(b) This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

(c) Nothing contained in this code shall be construed as abating any action pending under or by virtue of any general ordinance of the village herein repealed and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this code be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person or as waiving any right of the village under any ordinance or provision thereof in force at the time of the adoption of this code.

(Code 1972, § 1-2-3; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-13. Certain Ordinances Not Affected By Code:

Nothing in this code or the ordinance adopting this code shall be construed to affect:

- (1) Tax levy ordinances;
- (2) Appropriation ordinances;
- (3) Contract ordinances and ordinances authorizing the execution of a contract;
- (4) Salary ordinances;

(5) Ordinances relating to municipal bond issues or other municipal indebtedness or financing.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code.

(Code 1972, §§ 1-2-1, 1-2-2; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-14. Code Alteration:

It shall be unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the village and shall be returned to the village when directed to do so.

(Code 1972, § 1-1-5; Ord. 2009-15, § 1, 6-22-2009; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-15. Amendments To Code:

Any ordinance amending this code shall set forth the chapter and section number of the section or sections to be amended. All such amendments or revisions by ordinance shall be forwarded to the codifier and the ordinance material shall be prepared for insertion in its proper place in each copy of this code.

(Code 1972, § 1-1-3; Ord. 2020-33, §1, 09-14-2020)

Sec. 1-16. Supplementation Of Code:

(a) Supplements to this code shall be prepared and printed whenever authorized or directed by the board. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the board during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In the preparation of a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(Ord. 2020-33, §1, 09-14-2020)

Sec. 1-17. Administrative Adjudication:

(a) *Purpose:* The purpose of this section is to provide as fair and efficient enforcement of village ordinances as may be allowed by law through an administrative adjudication of violations of such village ordinances.

(b) *Adoption:* The village hereby adopts 65 ILCS 5/1-2.2-1 et seq. in its current form and as it may be amended from time to time for adjudication of municipal code violations to the extent permitted by the Illinois constitution.

(c) *Definitions:* As used in this section, unless the context requires otherwise:

Code: Any municipal ordinance except for building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1-1 et seq., and any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for a reportable offense under Section 2-604 of the Illinois Vehicle Code.

Hearing Officer: means an attorney licensed in the State of Illinois for at least three (3) years that has successfully completed a formal training program that includes the following:

- (1) Instruction on the rules of procedure of the hearing that they will conduct;
- (2) Orientation to each subject area of the code violations that they will administer;
- (3) Observation of administrative hearings; and
- (4) Participation in hypothetical cases, including rules on evidence and issuing final orders.

(d) *Code Hearing Department:* There is hereby established a code hearing department in the village who shall be responsible for the adjudication of Code violations.

(e) *Office Established:* There is hereby established the office of Hearing Officer. The hearing officer shall be appointed by the Village President with the advice and consent of the Village Board.

(f) *Duties of Hearing Officer:* The Hearing Officer shall have the following duties and authority:

(1) Preside at an administrative hearing called to determine whether or not a code violation exists;

(2) Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;

(3) Rule on all motions and the admissibility of evidence, administer oaths, and subpoena witnesses or documents at the request of any party,

(4) Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearings; and

(5) Issue and sign a written finding, decision, and order stating whether a code violation exists, and imposing fines therefor.

(g) *Hearing Procedure Not Exclusive:* This section does not preclude the village from using other methods to enforce the provisions of its Code.

(h) *Procedures For Code Enforcement:*

(1) When a Village Code Enforcement Officer or police officer, finds a code violation to exist, he or she shall note the violation on a multiple copy Municipal Ordinance or Village Ordinance violation form that indicates: the name and mailing address of the defendant; the address within the Village where the violation took place; the type and nature of the violation; the date and time the violation was observed; the names of the witnesses of the violation, if any; the due date of the fine; the Hearing Appearance date, place and time; and the signature of the officer. The hearing date shall not be less than fifteen (15) nor more than ninety (90) days after the violation is reported.

(2) The Municipal Ordinance or Village Ordinance violation form shall be forwarded to the Village Police Department.

(3) The white copy of the Municipal Ordinance violation form shall be maintained in the files of the Building Department and shall be part of the record of hearing; the canary copy of the Municipal Ordinance violation form shall be served either in-person to the offender/defendant or by first-class mail, the pink copy of the Municipal Ordinance violation form shall be given to the complainant, and the green copy of the Municipal Ordinance violation form shall be given to the Hearing Officer.

(4) The white copy of the Village Ordinance violation form shall be maintained in the files of the Building Department and shall be part of the record of hearing; the canary copy of the Village Ordinance violation form shall be given to the Hearing Officer, and the green copy of the Village Ordinance violation form and envelope form shall be served either in-person to the offender/defendant or by first-class mail.

(i) *Subpoenas; Defaults:* At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the dates set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

(j) *Continuances; Representation At Code Hearings:* No continuances shall be authorized by the hearing officer in proceedings under this section except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. The case for the defendant may be presented by the defendant, his or her attorney, or any other agent or representative of the defendant.

(k) *Hearing; Evidence:* As indicated in subsection (c) of this section, a hearing officer shall preside at all hearings as provided herein, and accept any evidence relevant to the existence or nonexistence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this section.

(l) *Findings, Decision and Order:*

(1) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination must be in writing and shall be designated as findings, decision or order.

(2) A copy of any findings, decisions, or orders shall be served on the defendant within five (5) days after the copy is issued. Service shall be in the same manner that the report form and

summons are served under subsection (h) of this section. A monetary sanction for a violation under this subsection shall not be less than one hundred dollars (\$100.00) and not exceed a maximum penalty of seven hundred fifty dollars (\$750.00) per occurrence unless otherwise specified in this Code. Furthermore, a penalty may include, or consist of, a requirement that the defendant perform some reasonable public service work, education, or incarceration.

(m) *Review Under Administrative Review Law:* The findings, decision and order of the hearing officer shall be subject to review in the circuit court of Cook County. The provisions of the administrative review act and the rules adopted thereto, shall apply to and govern every action for the judicial review of the findings, decisions, and order of a hearing officer under this section.

(n) *Judgment on Findings, Decision and Order:*

(1) A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the administrative review act shall be a debt due and owing the village and, as such, may be collected in accordance with applicable law.

(2) After expiration of the period within which judicial review under the administrative review act may be sought for a final determination of the code violation, the village may command a proceeding in the circuit court of Cook County in the village for purposes of obtaining a judgment. Nothing in this subsection shall prevent the village from consolidating multiple findings, decisions, and orders against a person in such a proceeding. Upon commencement of the action, the village shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order was issued in accordance with this section and the applicable municipal ordinances. Service of the summons and a copy of the petition may be by any method provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision, and order does not exceed two thousand five hundred dollars (\$2,500.00). If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this section and the applicable municipal ordinance and that the defendant had an opportunity for a hearing under this section and for judicial review as provided in this section:

A. The court shall render judgment in favor of the village and against the defendant for the amount indicated in the findings, decision, and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money;

B. The court may also issue any other orders and injunctions that are requested by the village to enforce the order of the hearing officer to correct a code violation.

(o) *Impact on Existing Administrative Adjudication Systems:* This section shall not affect the validity of systems of administrative adjudication that were authorized by state law, including the village ordinances, and in existence prior to the effective date hereof.

(Ord. 2007-27, § 2, 2007; Ord. 2020-33, §1, 09-14-2020)

 **Sec. 1-18. Bond Fees:**

(a) A twenty dollar (\$20.00) bail processing fee is hereby imposed on any person arrested for violating a bailable municipal ordinance or a State of Illinois or federal law.

(b) If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

(c) All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed insofar as they conflict herewith.

(Ord. 2017-15, §§1-3, 05-22-2017; Ord. 2020-33, §1, 09-14-2020)