

CITY OF BATAVIA

DATE: April 12, 2013
TO: Government Services Committee
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 13-21 Authorizing Community Development Department to Enforce Certain Ordinances and Code Provisions

Background

The Community Development Department regularly is charged with enforcing certain City Ordinances, particularly as they relate to Building, Zoning and Property Maintenance Codes. The enforcement process involves initially notifying violators either verbally or in writing. Violations which continue then are taken into the Administrative Adjudication process. While this can be an effective way to achieve compliance, it is also a process that can be cumbersome and lengthy. It can often take several months to achieve the desired result.

Analysis

A more effective way for enforcement is the issuance of local ordinance violation ticket. These are issued in person or by mail and require the violator to pay fines similar to the format of a parking ticket. Typical procedures would involve issuance of a minimal fine (say \$50.00) for a first offense, with fines escalating for repeated or continued violations. Adjudication would take place after several tickets have been issued. This becomes a much quicker way to encourage violators to come into compliance, whereas the Adjudication process can take several months to come to resolution. This becomes a more efficient and effective way to bring violators into compliance with the ordinance being violated.

The attached Ordinance has been drafted by the City Attorney and would give the Community Development Department the ability to enforce several sections of the Municipal Code. As the Code Compliance division is often called on to help with other departments in enforcing Ordinances, this change would be the tool needed to better accomplish those requests. The Ordinance would allow Community Development to enforce Ordinances such as Building Codes, the Zoning and Subdivision Ordinances, construction within the City rights-of-way, nuisances, trash collection and open burning, among others. It would expressly not give Community Development the ability to enforce moving violations other than parking violations.

Recommendation

Staff recommends that the Committee vote in favor of Ordinance 13-21 Authorizing the Community Development Department to Enforce Certain Ordinances and Code Provisions.

Attachment:

1. Ordinance 13-21 Authorizing the Community Development Department to Enforce Certain Ordinances and Code Provisions.

Cc: Mayor & City Council
City Administrator
City Attorney
Press
File

CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-21

AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO
ENFORCE CERTAIN ORDINANCES AND CODE PROVISIONS

ADOPTED BY THE
MAYOR AND CITY COUNCIL
____ DAY OF _____, 2013

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2013

Prepared by:
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CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-21

AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO
ENFORCE CERTAIN ORDINANCES AND CODE PROVISIONS

WHEREAS, Community Development Department is involved with the issuance of building permits and oversight of the development of property and construction of buildings, the inspection of properties, administration and oversight of zoning matters, property maintenance issues, and other matters that involve the application, enforcement and compliance with various provisions of the Batavia Municipal Code; and

WHEREAS, Community Development Department has not been expressly given the authority to enforce Code compliance and to issue and process tickets for violations of City Code provisions; and

WHEREAS, it is in the best interests of the City to grant such code enforcement authority for certain of the provisions of the Batavia Municipal Code to the Community Development Department.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. The Community Development Department is hereby granted the authority to enforce the various provisions of the Batavia Municipal Code and ordinances related to business licensing, construction, property conditions, property maintenance, building regulations, zoning, signage, subdivision control and similar provisions of the Batavia Municipal Code and ordinances, including the following provisions:

Title 3 (Business and License Regulations)

Title 4 (Health and Sanitation)

Chapter 4 (Nuisances)

Chapter 5 (Solid Waste Collection and City Curbside Collection Programs)

Chapter 6 (Water Pollution)

Chapter 7 (Open Burning)

Chapter 8 (Smoking in Public Places)

Title 6 (Motor Vehicles and Traffic) Chapter 6 (Parking, Stopping, Standing)

Title 7 (Public Ways & Property)

Chapter 1 (Streets & Sidewalks)

Chapter 2 (Forestry)

Chapter 4 (Construction of Utilities in Right-Of-Ways)

Title 9 (Building Regulations)

Title 10 (Zoning)

Title 11 (Subdivision)

SECTION 2. The authority given to the Community Development Department to enforce the various provisions of the Batavia Municipal Code and ordinances shall not include any traffic or vehicular moving regulations, regulations relating to the public peace, morals and decency, theft, damage to property, trespass, fire hazards, gambling, alcohol or drug offenses, truancy, curfew and other provisions that do not relate to the maintenance, construction, development, use and control of real property.

SECTION 3. As of the effective date of this Ordinance, the Community Development Department shall have the authority to inspect property, issue warnings, write administrative adjudication and/or ordinance violation tickets and carry on other activities related to the enforcement of the various code provisions and ordinances that are within the authority of the Community Development Department to oversee, administrate and enforce.

SECTION 4. This Ordinance shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this _____ day of _____, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this _____ day of _____, 2013.

Jeffery D. Schielke, Mayor

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-21

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin- Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk